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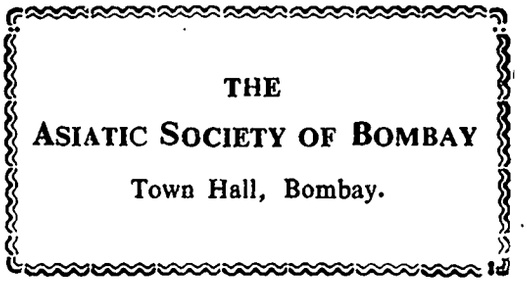

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PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

REGULATIONS

PASSED BY THE GOVERNMENTS

OF

BENGAL, FORT ST. GEORGE, AND BOMBAY,

IN THE YEAR

1818.

108284

(Presented in pursuance of Act 53 Geo. III. cap. 155, Sect. 66.)

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Ordered, by The House of Commons, *to be Printed,*
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PAPERS RELATING TO

REGULATIONS Passed by the Governments of India in the Year 1818:—Presented to the Honourable the House of Commons, in pursuance of an Act of Parliament, 53 Geo. III. Cap. 155, Sect. 66:—Viz.

I.—By the Governor General in Council of BENGAL, in the Year 1818;

N° I. to XIV.

gulation.

I.—For establishing the office of Canoongoe, in the districts of the twenty-four Pergunnahs, Nuddea, Jessore, Dacca Jelalpore and Backergunge; and for extending to the said districts the peration of Regulation XII, 1817:— - - Passed on the 17th March 1818 - - p. 5

II.—For annexing to the zillah of Bundlecund the elakeh of Khundeh, appertaining to the ergunnah of Mahoba, together with certain villages belonging to the pergunnah of Choorkee, on he right bank of the Jumna, formerly composing a part of the territories of Nana Govind Row:— Passed on the 31st of March 1818 - - ibid.

III.—For the confinement of State Prisoners:— Passed on the 7th April 1818 - - - p. 7

IV.—For re-establishing the Dewanny Adawlut of the northern division of Seharunpore:— Passed on the 14th April 1818 - - - p. 9

V.—For the appointment of a Commissioner, to be vested with special powers in the administration of civil affairs in zillah Cuttack:— - Passed on the 28th April 1818 - - - ibid.

VI.—For providing against the protracted confinement of persons charged with criminal offences, during the examination of such charges before the Magistrates; and for defining the powers of the Courts of Circuit, at the sudder stations of those Courts, with respect to persons committed or held to bail by the Magistrates, for trial at the periodical sessions of jail delivery:— Passed on the 12th May 1818 - - - p. 11

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IX.—For rescinding such part of Section XLI, Regulation XI, 1816, as may be construed to restrict the authority of Assistant Magistrates to the Towns in which they may be deputed to reside :— - - - - - - - - - - - - Passed on the 11th December 1818 - - p. 48

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Passed on the 16th September 1818 - - p.

VIII.—For the confinement of State Prisoners:—
Passed on the 7th October 1818 - - p.

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*, in the Year 1818.—N° I. to XIV.

A. D. 1818. REGULATION I.

A REGULATION for establishing the office of Canoongoe in the districts of the Twenty-four Pergunnahs, Nuddea, Jessore, Dacca Jelalpore and Backergunge, and for extending to the said Districts the operation of Regulation XII, 1817:—Passed by the Vice-President in Council, on the 17th March 1818; corresponding with the 5th Cheyte 1224 Bengal era; the 24th Phagoon 1225 Fusly; the 6th Cheyte 1225 Willaity; the 10th Phagoon 1874 Sumbut, and the 9th Jumadee-ul-awul 1233 Higeree.

Preamble.

WHEREAS it has appeared expedient to establish the office of Canoongoe in the districts of the twenty-four Pergunnahs, Nuddea, Jessore, Dacca Jelalpore and Backergunge, and to extend to the said districts the operation of Regulation XII, 1817, the following Rules have been enacted, to be in force from the date of their promulgation throughout the aforesaid districts.

Canoongoes to be appointed in the 24 Pergunnahs, Nuddea, Jessore, Dacca Jelalpore and Backergunge.

II. Canoongoes shall be appointed in the districts of the twenty-four Pergunnahs, Nuddea, Jessore, Dacca Jelalpore and Backergunge, by the collectors of those districts respectively, in the same manner, and for the performance of the same duties as are prescribed in Regulation V, 1816, in regard to the district of Cuttack, the pergunnah of Puttaspore and its dependencies; and all the rules contained in the Regulation aforesaid, are hereby extended to the districts above-mentioned.

The provisions of Regulation XII, 1817, extended to the above-mentioned districts.

III. The provisions of Regulation XII, 1817, are hereby extended to the districts of the twenty-four Pergunnahs, Nuddea, Jessore, Dacca Jelalpore and Backergunge.

A. D. 1818. REGULATION II.

A REGULATION for annexing to the Zillah of Bundlecund the Elakeh of Khundeh, appertaining to the Pergunnah of Mahoba, together with certain Villages belonging to the Pergunnah of Choorkee on the right bank of the Jumna, formerly composing a part of the Territories of Nana Govind Row:—Passed by the Vice-President in Council, on the 31st of March 1818; corresponding with the 19th Cheyte 1224 Bengal era; the 9th Cheyte 1225 Fusly; the 20th Cheyte 1225 Willaity; the 10th Cheyte 1875 Sumbut; and the 23d Jumadee-ul-awul 1233 Higeree.

Preamble.

WHEREAS the elakeh of Khundeh, appertaining to the pergunnah of Mahoba, together with certain villages belonging to the pergunnah of Choorkee on the right

bank of the Jumna, have been ceded to the Honourable the East India Company by Nana Govind Row; and whereas it has been judged advisable to annex the elakeh and villages in question to the district of Bundlecund, the following Rules have been enacted, to be in force from the period of their promulgation.

The elakeh of Khundeh, and certain villages ceded by Nana Govind Row, annexed to Bundlecund, and the laws and regulations extended to them;—Subject to the following provisions:

II. The elakeh of Khundeh, appertaining to the pergunnah of Mahoba, together with certain villages belonging to the pergunnah of Choorkee, on the right bank of the Jumna, are hereby annexed to the district of Bundlecund, and the laws and regulations established for the internal administration of that district, are declared to be in full force and effect in the elakeh and villages in question;—subject, however, to the provisions contained in the following Sections.

Civil Courts prohibited from commencing the exercise of their jurisdiction, until the first settlement of the revenue shall have been sanctioned by Government.

III. *First.*—The Courts of Civil Judicature are hereby prohibited from commencing the exercise of their jurisdiction, until they shall be officially apprised by Government, that the first settlement of the revenue of the said elakeh and villages has been completed and duly sanctioned.

Civil Courts not competent to take cognizance of suits, if the cause of action shall have originated previously to the 1st November 1805.

Second.—The Courts of Civil Judicature shall not be deemed competent to take cognizance of civil claims in the elakeh and villages in question, the cause of action in which may have originated previously to the 1st of November 1805, being a period of twelve years antecedent to the cession of the elakeh and villages in question.

Criminal Courts prohibited from taking cognizance of offences committed previously to the 1st November 1817.

IV. *First.*—The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the said elakeh and villages, previously to the 1st of November 1817, being the date of the treaty between the British Government and Nana Govind Row, under which the elakeh of Khundeh and villages in question were ceded to the Honourable the East India Company.

Such of the Regulations in force as increase the punishment prescribed by the existing laws and usages of the elakeh and villages in question, declared inapplicable to offences committed in them between the 1st of November 1817 and the promulgation of this Regulation.

Second.—No part of the Regulations in force, by which the punishment of any offence may be enhanced beyond the punishment prescribed for such offence, according to the existing laws and usages of the said elakeh and villages, shall be considered applicable to any crime or offence committed within the said elakeh and villages, between the 1st of November 1817, and the period of the promulgation of this Regulation.

Benefit extended to offenders in cases in which the penalties of the Regulations may appear to be more lenient than those which were in force under the former laws and usages.

Third.—In cases, however, in which the penalties established by the existing Regulations may appear to be more lenient than those to which the offenders would have been subject under the pre-existing laws and usages of the said elakeh and villages, such offenders shall nevertheless have the benefit of the provisions now established, supposing the offences to have been committed between the 1st of November 1817, and the period of the promulgation of this Regulation.

Power reserved to the Government for fixing the periods for the formation of the settlement of the land revenue.

V. *First.*—The Government reserves to itself the power of fixing the periods, for which the settlement of the land revenue shall, from time to time, be formed in the said elakeh and villages, according as local circumstances may appear to require; adhering, however, as nearly as practicable, to the principles established for the settlement generally of the lands in the territories ordinarily denominated the ceded and conquered provinces.

The Regulations relative to the collection of sayer or other duties, or to the form of engagements executed between the zemindars, farmers, and ryots in the elakeh of Khundeh, when to take effect.

Second.—Provided also, that such part of the Regulations in force within the district of Bundlecund, as relates to the collection of sayer, rahdaree, and other duties of a similar nature, or to the form of engagements to be executed by or between zemindars, farmers and ryots or other proprietors, occupants or cultivators of land, shall take effect within the said elakeh of Khundeh and villages aforesaid from the commencement of the ensuing Fusly year.

Duty of the revenue officers in ascertaining the rights and privileges of the several proprietors in the elakeh of Khundeh.

VI.—There being grounds to believe that many of the estates, composing the above-mentioned tract of country, are held by numerous proprietors in joint-tenancy, it shall be the particular duty of the revenue authorities administering the affairs of the said elakeh and villages, to adopt such measures as may appear best calculated for ascertaining, recording and securing the customary rights, privileges and interests of the several classes of proprietors and occupants of land, and especially of all putteedars or other parceners in joint undivided estates.

A. D. 1818. REGULATION III.

A REGULATION for the confinement of State Prisoners:—Passed by the Vice-President in Council on the 7th April 1818; corresponding with the 26th Cheyte 1224 Bengal era; the 16th Cheyte 1225 Fusly; the 27th Cheyte 1225 Willaity; the 2d Cheyte 1875 Sumbut; and the 30th Jumadee-ul-awul 1233 Higeree.

Preamble.

WHEREAS reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Native Princes, entitled to its protection, and the security of the British dominions from foreign hostility, and from internal commotion, occasionally render it necessary to place under personal restraint, individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper; and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken, should proceed immediately from the authority of the Governor General in Council; and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor General in Council, all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed; and whereas the ends of justice also require that due attention be paid to the health of every state prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family; and whereas the reasons above declared sometimes render it necessary that the estates and lands of zemindars, talookdars and others situated within the territories dependant on the Presidency of Fort William, should be attached and placed under the temporary management of the revenue authorities, without having recourse to any judicial proceeding; and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals, whose estates may be so attached under the direct authority of Government; the Vice-President in Council has enacted the following Rules, which are to take effect throughout the provinces immediately subject to the Presidency of Fort William, from the date on which they may be promulgated.

Mode of proceeding for placing individuals under reſtraint as ſtate priſoners.

II. *First.*—When the reasons stated in the preamble of this Regulation may seem to the Governor General in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor General in Council, and under the hand of the Chief Secretary, or of one of the Secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Form of warrant to be iſſued.

Second.—The warrant of commitment shall be in the following form;—

To the [*here insert the officer's designation.*]

Whereas the Governor General in Council, for good and sufficient reasons, has seen fit to determine that [*here insert the state prisoner's name*] shall be placed under personal restraint at [*here insert the name of the place*] you are hereby required and commanded, in pursuance of that determination, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor General in Council, and the provisions of Regulation III, of 1818.

Fort William, the

By order of the Governor General in Council,

A. B.

Chief Sec. to Gov.

Such warrant to be ſufficient authority for the detention of any ſtate priſoner.

Third.—The warrant of commitment shall be sufficient authority for the detention of any state prisoner in any fortress, jail or other place within the territories subject to the Presidency of Fort William.

Officers, in whoſe cuſtody ſtate priſoners may be placed, to submit to Government periodical reports.

III. Every officer in whose custody any state prisoner may be placed, shall on the 1st of January and 1st of July of each year, submit a report to the Governor General in Council, through the secretary to Government in the Political department, on the conduct, the health and the comfort of such state prisoner, in order that the Governor General in Council may determine whether the orders for his detention shall continue in force or shall be modified.

State prisoners in the cuſtody of the zillah or city magiſtrate, to be viſited by the Judge of Circuit at the ſeſſions.

IV. *First.*—When any state prisoner is in the custody of a zillah or city magistrate, the Judges of Circuit are to visit such state prisoner, on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the state prisoner, which may appear to them advisable, provided they be not inconsistent with the orders of the Governor General in Council issued on that head.

State prisoners in cuſtody of a public officer not being a zillah or city magiſtrate, to be viſited by ſuch perſon as may be nominated by Government for the duty.

Second.—When any state prisoner is placed in the custody of any public officer not being a zillah or city magistrate, the Governor General in Council will instruct either the zillah or city magistrate, or the Judge of Circuit, or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government, regarding the health and treatment of such prisoner.

Repreſentations which may be made by ſtate priſoners, to be ſubmitted to Government.

V. The officer, in whose custody any state prisoner may be placed, is to forward, with such observations as may appear necessary, every representation which such state prisoner may from time to time be desirous of submitting to the Governor General in Council.

Early report to be made to Government, regarding the nature of the confinement, the health and the allowances granted to ſtate priſoners.

VI. Every officer, in whose custody any state prisoner may be placed, shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor General in Council, whether the degree of confinement to which he may be subjected, appears liable to injure his health, and whether the allowance fixed for his support, be adequate to the supply of his own wants and those of his family, according to their rank in life.

The allowance fixed for the ſupport of a ſtate priſoner, to be duly appropriated to that object.

VII. Every officer, in whose custody any state prisoner may be placed, shall take care that the allowance fixed for the support of such state prisoner, is duly appropriated to that object.

The proviſions contained in Section III, to VII, of the preſent Regulation, applicable to all perſons who are now confined as ſtate priſoners.

VIII. The provisions contained in Sections III, IV, V, VI, and VII, of this Regulation, are hereby declared to be applicable to all persons who are now confined as state prisoners under the authority of Government, within the territories subject to the presidency of Fort William.

Rules for the attachment of eſtates or lands by the orders of Government without a previous deciſion of a court of juſtice.

IX. Whenever the Governor General in Council, for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zemindar, jageerdar, talookdar, or other person, without any previous decision of a court of justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the secretaries to Government, to the judge and magistrate of the district, in which the lands or estates may be situated, to the Provincial Court of Appeal and Circuit, and to the Sudder Dewanny Adawlut and Nizamut Adawlut.

Lands or eſtates ſo attached, to be placed under the management of the officers of Government in the Revenue department;

X. *First.*—The lands or estates which may be so temporarily attached, shall be held under the management of the officers of Government in the Revenue department, and the collections shall be made and adjudged on the same principles as those of other estates held under khas management.

And not liable to be ſold on account of decrees of the Civil Courts or otherwiſe, while under attachment.

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

The Goverment will make ſuch arrangement as may be proper, for the ſatisfaction of the decrees of the Civil Courts in ſuch inſtances.

Third.—In the cases mentioned in the preceding clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

XI. Whenever

XI. Whenever the Governor General in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary, have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections, during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate, which may have accumulated during the attachment.

Rules to be observed in cases where Government may order the releaſe of an eſtate from attachment.

A. D. 1818. REGULATION IV.

A REGULATION for re-establishing the Dewanny Adawlut of the Northern Division of Seharunpore:—Passed by the Vice-President in Council on the 14th April 1818; corresponding with the 3d Bysack 1225 Bengal era; the 23d Cheyte 1225 Fusly; the 4th Bysack 1225 Willaity; the 8th Cheyte 1875 Sumbut; and the 7th Jumadee-us-Sanee 1233 Higeree.

WHEREAS the jurisdiction of the Dewanny Adawlut of the northern division of Seharunpore was abolished by Regulation XIV, 1806, and was incorporated with the jurisdiction of the Dewanny Adawlut of the southern division of Seharunpore; and whereas the annexation of the Deyra Doon to the northern division, and the recent transfer of a portion of the district of Allyghur to the southern division of Seharunpore, have augmented the local limits and the population of both those divisions, to an extent which interferes with the due administration of civil justice, and imposes on the inhabitants considerable hardships and difficulties; the Vice-President in Council, with a view to secure the due administration of civil justice, and to promote the convenience and prosperity of the inhabitants, has passed the following Rules, to be in force from and after the 30th of June next ensuing; corresponding with the 17th Assaur 1225 Bengal era; the 12th Assaur 1225 Fusly; the 18th Assaur 1225 Willaity; the 12th Assaur 1875 Sumbut; and the 25th Shabaun 1233 Higeree.

Preamble.

II. *First.*—From and after the 30th of June 1818, the northern division of Seharunpore shall constitute a separate civil as well as criminal jurisdiction, and the judge and magistrate of that division shall exercise the same powers as those vested by the Regulations in the judges and magistrates of other zillahs in the ceded and conquered provinces.

The northern diviſion of Seharunpore, conſtituted a ſeparate civil as well as criminal juriſdiction.

Second.—The northern division of Seharunpore shall henceforward be denominated the zillah of Seharunpore, and the southern division shall be denominated the zillah of Meerut.

The northern and southern diviſions of Seharunpore how to be denominated.

Third.—It shall be competent to the Governor General in Council, by an order in Council, to determine the local limits of the zillah of Seharunpore, and to make such alterations in those limits as he may from time to time judge expedient.

Powers reſerved to the Governor General in Council to determine the local limits of the zillah of Seharunpore.

A. D. 1818. REGULATION V.

A REGULATION for the appointment of a Commissioner, to be vested with special powers in the administration of Civil affairs in Zillah Cuttack:—Passed by the Vice-President in Council on the 28th April 1818; corresponding with the 17th Bysack 1225 Bengal era; the 8th Bysack 1225 Fusly; the 18th Bysack 1225 Willaity; the 8th Bysack 1875 Sumbut; and the 21st Jumadee-us-Sanee 1233 Higeree.

WHEREAS considerations connected with the present state of the district of Cuttack, and with the nature of the disturbances which recently prevailed in various parts of that district, have rendered it expedient that a Commissioner should be

Preamble.

deputed for the temporary superintendence of the civil affairs of the said district; and whereas it is necessary, with a view to the prompt and effectual execution of the important duties assigned to the Commissioner, that he should be vested with special powers as well in the administration of Civil and Criminal Justice, as in the superintendence of other local duties hitherto conducted by the Boards of Revenue and Trade; the Vice-President in Council has been pleased to enact the following Rules, to be in force within the local limits of the district of Cuttack, from the date on which the Commissioner may assume the charge of his office.

The powers hitherto exercised in Cuttack by the Boards of Revenue and Trade, the Provincial Court of Calcutta, and the Local Committee for superintending the Embankments, are hereby suspended.

II. The provisions of the existing Regulations, by which the Board of Revenue, the Board of Trade, the Provincial Court of Appeal and Circuit for the division of Calcutta, and the Local Committee for superintending the embankments, are respectively authorized or directed to exercise any powers or functions, or to discharge any duties in the administration of the civil affairs of the district of Cuttack, are hereby suspended.

A Commissioner to be deputed to Cuttack, with special powers.

III. A Commissioner shall be deputed to the district of Cuttack, who shall be authorized, from the date on which he may assume the charge of his office, to exercise and discharge the whole of the powers and duties heretofore exercised and discharged with regard to the affairs of that district, under the Regulations in force by the Board of Revenue, by the Board of Trade, by the Judges of the Provincial Court of Appeal for the division of Calcutta, either individually or collectively, and by the Judges of the Court of Circuit for the division of Calcutta, either individually or collectively, and by the Local Committee of Embankments.

The Judge of Circuit now holding the jail delivery at Cuttack, to complete the duties of the present sessions.

The Commissioner in Cuttack to hold the future sessions of jail delivery of that district.

IV. The foregoing provisions shall not operate to prevent the Judge of Circuit, who is now holding the sessions of jail delivery of the zillah of Cuttack, from completing that duty under the Regulations heretofore in force; but from and after the completion of the present sessions, the sessions of jail delivery of the zillah of Cuttack shall be held from time to time by the Commissioner, at such periods as he may judge most expedient for the public service.

Civil suits depending in the Provincial Court of Calcutta to be transferred to the Commissioner.

Civil suits may be tried by the Commissioner, at any place within the limits of Cuttack.

V. *First.*—The records of civil suits of every description, originating in the district of Cuttack, which may be depending before the Provincial Court for the division of Calcutta, whether in appeal from the decision of the Zillah Court of Cuttack, or instituted in the first instance in the Provincial Court, shall be transferred to the Commissioner; and such cases, as well as all other civil cases coming under his cognizance, shall be investigated and decided by him, at any place or places situated within the limits of the district of Cuttack, under the same powers as are vested in the judges of the Provincial Court, either individually or collectively.

The pleadings and management of suits before the Commissioner, are not required to be conducted by regular pleaders.

Second.—The pleadings and the management of suits which may be brought under the cognizance of the Commissioner in Cuttack, shall be conducted, either by the parties themselves, or by agents duly authorized by them for that purpose; and it shall not be requisite that any regular pleaders should be attached to the Court of the Commissioner, or that any duties in the Court of the Commissioner should be performed by such pleaders.

The Commissioner empowered to dispense with the rules contained in Sections III, IV, V, VI, and VII, Regulation XXVIII, 1814.

Third.—The Commissioner in Cuttack shall be empowered to dispense with the rules contained in Sections III, IV, V, VI, and VII, Regulation XXVIII, 1814, in all instances in which he may judge it expedient to permit persons to sue, either in his own Court, or in the Zillah Court of Cuttack, as paupers, without requiring such persons to fulfil the conditions specified in those Sections.

The Commissioner and the Judge and Magistrate empowered to dispense with the rule contained in Section XIX, Regulation XXVIII, 1814.

Fourth.—The Commissioner in Cuttack, and the Judge and Magistrate of that district, shall also be respectively empowered to dispense with the rule contained in Section XIX, Regulation XXVIII, 1814, in all instances in which they may judge it expedient.

Orders and decisions passed by the Commissioner in civil suits, to be final.

Proviso with regard to cases appealable to the King in Council.

Fifth.—The orders and decisions passed by the Commissioner, in original civil suits, or in appeals cognizable by him, whether regular or summary, shall be to all intents and purposes final and conclusive: Provided, however, that an appeal shall lie to the Sudder Dewanny Adawlut, from the decisions of the Commissioner on civil suits, which from their amount or value may be appealable to the King in Council, under the provisions of the existing Regulations.

VI. Nothing

VI. Nothing contained in this Regulation shall be construed to affect or alter the powers vested in the Court of Nizamut Adawlut, with regard to the administration of criminal justice in the district of Cuttack; and the Commissioner in Cuttack will stand in the same relation to the Court of Nizamut Adawlut, as the Judges of the Provincial Court of Circuit for the division of Calcutta have hitherto stood either in their individual or in their collective capacity.

The powers of the Court of Nizamut Adawlut with regard to the administration of criminal justice in Cuttack, to continue in force.

VII. The provisions of Regulation XXII, 1817, are hereby rescinded, and the Commissioner in Cuttack shall exercise the same powers in confirming the appointment and removal of the Native officers of the Judge and Magistrate of Cuttack, as are exercised by the Provincial Courts of Appeal and Circuit, with regard to the appointment and removal of the Native officers on the establishment of the Zillah Judges and Magistrates generally.

Regulation XXII, 1817, rescinded. The Commissioner to confirm the appointment and removal of Native officers on the establishment of the Judge and Magistrate of Cuttack.

VIII. The Judge and Register of zillah Cuttack are hereby empowered to hold their Court for the investigation of summary suits regarding rent or dispossession from lands, in any part of the district of Cuttack; and it shall be competent to the Commissioner, with the sanction of the Governor General in Council, to employ the Registers or the Assistants to the Judge and Magistrate of Cuttack, on local duties in the Territorial department, when such employment shall appear calculated to promote the public service.

The Judge and Register may investigate summary suits regarding rent or dispossession from lands in any part of Cuttack.

The Registers and Assistants to the Judge and Magistrate may be employed on local duties in the Territorial department.

A. D. 1818. REGULATION VI.

A REGULATION for providing against the protracted confinement of persons charged with criminal offences, during the examination of such charges before the Magistrates; and for defining the powers of the Courts of Circuit at the Sudder Stations of those Courts, with respect to persons committed or held to bail by the Magistrates for trial at the periodical Sessions of Jail Delivery:—Passed by the Vice-President in Council on the 12th May 1818; corresponding with the 31st Bysack 1225 Bengal era; the 22d Bysack 1225 Fusly; the 1st Jeyte 1225 Willaity; the 7th Bysack 1875 Sumbut; and the 6th Rujub 1233 Higeree.

WHEREAS it appears just and expedient to guard against unnecessary delay in bringing to trial, before the Courts of Circuit, persons confined by the magistrates during the investigation of charges ultimately cognizable by those Courts; and whereas it is unnecessary and objectionable that the Judges of the Courts of Circuit at the sudder stations of their respective divisions, should interpose their authority in the regular course of trial, when a person charged with a criminal offence may have been committed or held to bail by a magistrate, to stand his trial at the ensuing session of jail delivery, except for the purpose of admitting to bail persons in close confinement, who may tender sufficient bail for their appearance to stand their trial; the following Rules and Provisions have been enacted by the Vice-President in Council, and shall be considered in force from the time of their promulgation throughout all the provinces immediately subject to the Presidency of Fort William.

Preamble.

II. *First.*—In addition to the calendars which the magistrates are now required to lay before the Judges of Circuit at the periodical jail deliveries, they shall submit to the Judges of Circuit, at the commencement of each jail delivery, a calendar of persons in confinement on criminal charges still under examination, containing the following particulars; viz. the name of each prisoner; the date of his apprehension; the charge against him; by whom preferred; and what proceedings have been held in the case; with an explanation of the cause of delay in passing a final order, if the prisoner have been more than a month in confinement. The Judge of Circuit, on inspection of this calendar, will call for the magistrate's proceedings in any case that may appear to require it; and if on perusal of them he shall be of opinion that there is not sufficient reason for postponing the trial, he is empowered to instruct the magistrate to close his proceedings, and either to pass a final order, if the case be determinable by the magistrate, or to bring it before the Court of Circuit

An additional calendar of persons in confinement under examination on criminal charges, to be submitted to the Judge of Circuit at the commencement of each jail delivery.

The Judges of Circuit how to proceed after an inspection of the calendar.

Circuit in a supplementary calendar, if there appear to be sufficient grounds for committing the prisoner to stand his trial before that Court.

The Judges of Circuit to give due attention to the reasons assigned by the magistrate for not passing a final order in the cases of such prisoners.

Second.—In exercising the power vested in the Judges of Circuit by the above clause, for the purpose of preventing the long confinement of prisoners charged with criminal offences during the magistrate's investigation of such charges, without strong and sufficient cause for their detention, the Judges of Circuit are required to give due attention to the reasons assigned by the magistrates for not passing a final order respecting the prisoner or prisoners in each instance, and to be careful that their instructions to the magistrates, in such cases, are consistent with the objects of public justice, as well as with a just and humane consideration of the prisoner's actual condition and the period of his confinement.

Limitation of the powers vested in the Judges of Circuit at the sudder stations under Section XXIII, Regulation IX, 1807.

III. *First.*—The general powers vested in two or more Judges of a Court of Circuit at the sudder station, by Section XXIII, Regulation IX, 1807, whereby they are authorized on all occasions when it may appear necessary, upon petitions presented to them, to call for the proceedings of a magistrate, and to pass such orders thereupon as they may deem proper and consistent with the Regulations, are hereby declared subject to the following limitation.

The Judges of the Court of Circuit at the sudder station, not competent to annul commitments made by the magistrates.

Second.—When a person charged with a criminal offence may have been committed or held to bail by a zillah or city magistrate, or by any public officer authorized to officiate as a magistrate, to stand his trial before a Court of Circuit at the ensuing session of jail delivery, it shall not be competent to the Judges of the Court of Circuit at the sudder station of the division, to annul the magistrate's order, and to prevent the regular trial of the person so committed or held to bail.

But may instruct the magistrate to admit to bail any persons whose cases appear to be of a bailable nature, or otherwise for special reasons.

Third.—In such cases, however, two or more Judges of the Court of Circuit at the sudder station may, of course, exercise the power declared to be vested in those Courts by the second clause of Section IX, Regulation IX, 1807; viz. by instructing the magistrate to admit to bail any persons whom he may have committed to close confinement, until they can be brought to trial at the next session of jail delivery, if the offence charged shall appear to be of a bailable nature, or though not within the description of offences declared bailable by the Regulations, if the Court of Circuit shall be of opinion that there is special reason for admitting the prisoner to bail, and sufficient bail be tendered by him for his appearance to stand his trial at the next session of jail delivery.

And may comply in the first instance with applications from parties held to bail, to plead upon the trial by a vakeel instead of attending in person.

Proviso.

Fourth.—Two or more Judges of the Court of Circuit at the sudder station are further hereby empowered to comply, in the first instance, with applications made to them by parties held to bail for trial at the sessions of jail delivery, to be allowed to attend and plead upon the trial by a vakeel duly constituted, instead of attending in person, when strong and sufficient reason may be stated for dispensing with the personal attendance of the party in such cases: provided that the Judge of Circuit, before whom the trial may be subsequently held, shall exercise a full discretion, notwithstanding any previous orders of the Court of Circuit in requiring the personal attendance of the defendant, whenever, on consultation with his law officer, it may appear requisite, under the provisions of the Mahomedan law, or generally for the ends of justice.

Magistrates how to proceed when persons held to bail may not attend before the Court of Circuit.

IV. *First.*—Whenever a person held to bail for his appearance before a Court of Circuit shall neglect to attend at the appointed time, the magistrate shall call upon his surety or sureties to produce him, and on their failure, shall report the case, with any reasons assigned by the surety or sureties for the non-fulfilment of their engagement, to the Judge of Circuit holding the session of jail delivery, who will determine and instruct the magistrate, whether the penalty of the security bond shall be immediately enforced, or whether a further time shall be allowed to the surety or sureties to produce the person for whom they are responsible.

Rules for the recovery of the amount of the penalty from the surety or sureties.

Second.—When the Judge of Circuit, on consideration of the magistrate's report, shall direct the enforcement of the security bond, the magistrate shall proceed to recover the amount of the penalty from the surety or sureties, by the attachment and sale of any property belonging to them, in the mode prescribed for the attachment and sale of property, in satisfaction of decrees of the Civil Courts; or if the amount demandable from the surety or sureties be not paid, and cannot be realized from any

any property belonging to them, they shall be liable to confinement by order of the magistrate, in the civil jail of the station, during a period not exceeding six months.

A. D. 1818. REGULATION VII.

A REGULATION for rescinding such parts of the existing Regulations as relate to the conduct of the Trade of Foreign Nations to the Ports and Settlements of the British Nation in the East Indies; and for better giving effect to a Regulation in that behalf, enacted by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies:—Passed by the Governor General in Council on the 28th August 1818; corresponding with the 13th Bhadoon 1225 Bengal era; the 12th Bhadoon 1225 Fusly; the 14th Bhadoon 1225 Willaity; the 12th Bhadoon 1875 Sumbut; and the 25th Sowaul 1233 Hijeree.

WHEREAS the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies, have been pleased to pass the Regulation hereinafter recited, for the conduct of the trade of foreign nations to the ports and settlements of the British nation in the East Indies, the following Rules have been framed into a Regulation, to be in force from the date of their promulgation. Preamble.

II. Sections II & III, Regulation III, 1811, Regulation VI, 1812, and Regulation XX, 1816, are hereby rescinded, and the several provisions of the following Regulation, passed by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies, shall be hereafter observed within the territories immediately dependent on the Presidency of Fort William. Certain provisions of former Regulations relative to the conduct of the trade of foreign nations to the ports and settlements of the British nation in the East Indies, rescinded; and the following Regulation enacted in lieu of them.

"Regulation for carrying on the trade between the British possessions in India, and the countries and states in amity with His Majesty; passed by the Court of Directors of the United Company of Merchants of England trading to the East Indies, this 31st day of December 1817." Title.

"Whereas by an Act passed in the 37th year of the reign of His present Majesty, intituled, 'An Act for regulating the trade to be carried on with the British possessions in India, by the ships of nations in amity with His Majesty,' it was enacted, that from and after the passing of that Act, and during the continuance of the exclusive trade of the United Company of Merchants of England trading to the East Indies, and during the term for which the possessions of the British territories in India is secured to the said United Company, it should be lawful for the ships and vessels of countries and states in amity with His Majesty, to import into, and export from, the British possessions in India, such goods and commodities as they should be permitted to import into, and export from, the said possessions, by the Directors of the said Company, who were thereby directed to frame such Regulations for carrying on the trade to and from the said possessions, and the countries and states in amity with His Majesty, as should seem to them most conducive to the interest and prosperity of the said British possessions in India, and of the British empire, and that no ship or vessel belonging to any of the subjects of states or countries in amity with His Majesty, should be liable to seizure, confiscation or forfeiture, or other penalty, for exporting from, or importing into, the said British possessions in India, any goods or commodities, the importation or exportation of which should respectively be permitted by the said Regulation, any thing in a certain Act of the twelfth year of the reign of King Charles the Second therein recited to the contrary notwithstanding: Provided always, that it should not be lawful for the Directors of the said United Company to frame any Regulations for the conduct of the said trade, which should be inconsistent with any treaty or treaties which should have been or might be entered into by His Majesty, His heirs and successors, and any country or state at amity with His Majesty, or which might be inconsistent with any Act or Acts of Parliament which had been passed for the regulation of the trade and Preamble.

commerce of the said British territories in India: and whereas by another Act passed in the 53d year of the reign of His present Majesty, intituled, 'An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges for establishing further regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's charter,' all the enactments, provisions, matters and things contained in any Act or Acts whatsoever, which were limited or might be construed to be limited to continue for and during the term granted to the said Company, by a certain Act of Parliament of Great Britain of the 33d year of His present Majesty, therein recited, so far as the same, or any of them, were in force, and not repealed by or repugnant to the said Act of the 53d year of His said present Majesty, should continue and be in force during the further term thereby granted to the said Company, subject to such alterations therein as might be made by any of the enactments, provisions, matters and things in that Act contained."

"The Court of Directors of the United Company of Merchants of England trading to the East Indies, in virtue of the powers granted to them by the aforesaid Acts, have framed the following Regulation, for carrying on the trade to and from the British possessions in India, and the countries and states in amity with His Majesty."

Ships belonging to a foreign European nation, having a settlement of its own in the East Indies, and being in amity with His Majesty, may enter freely and trade in imports and exports in the East Indies.

Proviso with regard to certain articles of export in time of war.

I. "Foreign European ships belonging to any nation having a settlement of its own in the East Indies, and being in amity with His Majesty, may freely enter the British sea-ports and harbours in that country, whether they come directly from their own country, or from any of the ports and places in the East Indies, they shall be hospitably received, and shall have liberty to trade there in imports and exports, conformably to the Regulations established in such places; provided, that it shall not be lawful for the said ships in time of war between the British Government and any state or power whatever, to export from the said British territories, without the special permission of the British Government, any military stores or naval stores, saltpetre or grain. The said ships may also be cleared out for any port or place in the East Indies; but if cleared out for Europe, shall be cleared out direct for the country in Europe to which such ships respectively belong."

Rules with regard to ships belonging to foreign European nations, having no establishment in India.

Proviso.

II. *First.*—"Foreign European ships belonging to countries having no establishment in the East Indies, may (when those countries and states respectively are in amity with His Majesty,) freely enter the ports of the principal British settlements in the East Indies; viz. Calcutta, Madras, Bombay, and Prince of Wales' Island only. They shall be hospitably received there, and have free liberty to trade in imports and exports conformably to the Regulations of the place; provided that it shall not be lawful for the said ships in time of war between the British Government and any state or power whatever, to export from the said British territories, without the special permission of the British Government, any military stores or naval stores, saltpetre or grain; and provided also, that the said ships proceed from their own ports direct to the said principal British settlements, without touching at any port or place whatever in the voyage out, except from necessity, and merely to procure refreshments or repairs, in case of distress or accidents, in the course of such voyage, the burthen of the proof of which necessity to rest on the parties."

Such ships not to export any articles from the British territories to any other port or place but to their own country;

Nor to be cleared out to carry on the coasting or country trade;

Second.—"The vessels of the said European powers last aforesaid, shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in their own countries respectively, where the same shall be unladen. The said ships shall not be cleared out to carry on the coasting or country trade in India; but vessels going with their original cargoes or part thereof, from one principal British port of discharge to another principal British port, are not to be considered as carrying on the coasting trade."

Nor to proceed from the British territories to any foreign settlements in India, nor to the territory of any Asiatic power;

Nor to enter the river in that part of the British territory situated in Bengal, for any other purpose than to proceed to Calcutta for trade, refreshment, or repairs.

Third.—"The said vessels shall not be allowed to proceed either with or without return cargo, from the said British territories to the settlements or factories of any foreign European nation in India, or to the territory of any Asiatic potentate or power, except from the like necessity, as is before described, of which the proof shall rest with them. Nor shall the said vessels be allowed to enter the river in that part of the British territory situated in Bengal, for any other purpose than that of proceeding to the port of Calcutta for trade, refreshments or repairs."

Fourth.

Fourth.—"In clearing out for their respective countries, the clearance shall be a direct one to the country to which the vessels belong, and to no other whatever."

The clearance of the vessels to be direct to the country to which they belong, and to no other.

"The trade between the British possessions in India and the United States of America, shall be regulated by the convention of commerce between Great Britain and the United States of America, signed at London, the 3d July 1815."

The trade with America, how to be regulated.

Nothing in this Regulation shall be construed to affect the provisions contained in the existing Regulations for defining the duties to which the trade of foreign nations is and shall be subject, at the ports and settlements of the British nation in the East Indies.

The present rules not to affect the existing Regulations for defining the duties on foreign trade.

A. D. 1818. REGULATION VIII.

A REGULATION for rescinding part of Clause 6, Section II, Regulation LIII, 1803, for modifying some of the existing Rules relating to the requisition of Security for good behaviour; and for providing for a revision of the Cases of certain classes of Prisoners, detained in Confinement, on failure to furnish Security for their good behaviour and appearance:—Passed by the Governor General in Council on the 28th of August 1818; corresponding with the 13th Bhadoon 1225 Bengal era; the 12th Bhadoon 1225 Fusly; the 14th Bhadoon 1225 Willaity; the 12th Bhadoon 1875 Sumbut; and the 25th Sowaul 1233 Higeree.

WHEREAS it has been deemed expedient to rescind part of the 6th Clause of Section II, Regulation LIII, 1803, to define, more exactly, the powers to be exercised in future by the Magistrates and Criminal Courts, in requiring security for the good behaviour of persons of suspicious livelihood, or of notoriously bad or dangerous character, and to provide for a revision of the cases of certain classes of prisoners, detained in confinement under requisition of security for their future good behaviour, the following Rules have been passed, to take effect from the date of their promulgation throughout the provinces subject to the Presidency of Fort William.

Preamble.

II. *First.*—Such part of Clause Sixth, Section II, Regulation LIII, 1803, as vests the Courts of Circuit with authority to require security for good behaviour from persons charged with, but not convicted of, a specific offence, on the grounds of strong suspicion of their having committed such offence, independently of any proof of notorious bad character, is hereby rescinded; and the Criminal Courts are prohibited from requiring security for good behaviour from such persons in future.

Part of Clause sixth, Section II, Regulation LIII, 1803, rescinded.

Second.—The foregoing rule shall not be construed to prevent the Judges of the Courts of Circuit, or of the Nizamut Adawlut, from requiring security from prisoners, who may be acquitted, on the trial before those Courts, of the specific charge brought against them, provided such prisoners may, from the evidence on the proceedings, appear to be of notoriously bad or dangerous character. In cases of this description, the Judges of the Courts of Circuit or of the Nizamut Adawlut will issue such orders as they may judge necessary, under the rules contained in Sections IX. and X. of this Regulation.

The Courts of Circuit, and the Nizamut Adawlut, authorized to require security from prisoners tried by them, if proved to be of notoriously bad or dangerous character.

III. In every instance in which security for good behaviour may be hereafter required, whether by the Magistrates, the Courts of Circuit, or the Nizamut Adawlut, the amount of the security, the number of sureties (to be fixed at the discretion of the magistrate or of the court requiring the security,) and the period of time for which the sureties are to be responsible for the good conduct of the prisoner, shall be fixed and determined.

Nature of the order to be passed by the criminal courts, on requiring security for good behaviour from persons of notoriously bad character.

IV. The period of time during which such prisoners may be made liable to detention in custody, on failure to furnish the security required from them, shall hereafter be specifically fixed in every instance, except in those cases in which the prisoner may appear to be a notorious robber, of a character so dangerous as to render his release, without security, evidently unsafe and objectionable.

Period of time for the eventual detention of such prisoners, to be fixed.

Exception.

Magiſtrates empowered to releaſe ſuch priſoners, although the ſecurity be not furniſhed, if the order of detention ſhall have been paſſed by perſons exerciſing the functions of magiſtrate.

V. *First.*—The magistrates are hereby empowered, at all times, to exercise the r discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for their good behaviour, whether by their own orders or by those of any other person discharging the functions of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

But not to exerciſe that authority, if the order ſhall have been paſſed by the Courts of Circuit, or by the Nizamut Adawlut.

Second.—In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security for good behaviour, by order of a Court of Circuit or of the Nizamut Adawlut, can be safely released without such security, the magistrate shall either bring the case before the Court of Circuit at the next ensuing jail delivery, as prescribed in Section XI, Regulation LIII, 1803, or shall make an immediate report of the case, with his sentiments, for the orders of the Court, which may have required the prisoner to furnish security previously to his release.

Limitation, with regard to the removal of priſoners confined for ſecurity, from one diſtrict to another.

VI. *First.*—No prisoner detained under requisition of security in the zillah or city in which he has been accustomed to reside, or in which he may have been apprehended, shall be removed to the jail of a different zillah, unless the Nizamut Adawlut shall sanction the removal in compliance with the prisoner's own request, and with a view to enable him the more easily to furnish the security required.

Exceptions to the foregoing rule.

Second.—The foregoing rule, however, shall not be construed to preclude the removal of such prisoners from one station to another, in cases in which a due regard to the health of the prisoners or to their safe custody, or other emergent circumstances, may in the judgment of the Nizamut Adawlut, render that measure necessary or advisable.

On what conditions ſureties may be diſcharged from their reſponſibility.

VII. It is hereby declared, that individuals who may become sureties for the good behaviour of prisoners, may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up, the persons for whom they may have become responsible, to the proper magistrate or police officer, and that they will not be made responsible for the amount of the security-bond, in cases in which they may give timely information to the magistrate, that the individuals for whom they may have become sureties, have taken to bad courses, and may use every exertion in their power, to the satisfaction of the magistrate, for the apprehension and surrender of such individuals.

The period of detention for ſecurity, in ordinary caſes, decided by the magiſtrate, not to exceed one year.

VIII. *First.*—Whenever the magistrates, under the authority vested in them by the existing Regulations, may require security for the good behaviour of a prisoner, they shall (in all cases in which they may judge it safe to do so) provide in their order for the release of the prisoner, at the end of a definite period, not exceeding twelve months.

The judge of circuit holding the ſeſſions, may examine the proceedings of the magiſtrate, in ſuch caſes, on petitions preſented to him by the priſoners; and may annul, modify or confirm the orders of the magiſtrate.

Second.—It shall not be necessary for the Judge of Circuit, holding the sessions, to revise the proceedings of the magistrate in such cases, except on petitions presented by the prisoners, when the Judge of Circuit holding the sessions is directed and empowered to call for the proceedings, and, on his own authority, to annul, modify or confirm the orders of the magistrate.

Magiſtrates how to proceed in caſes in which it may appear unſafe to releaſe, without ſecurity, priſoners of highly dangerous character, at the expiration of the period above limited.

IX. *First.*—In all other cases, in which the magistrate may be of opinion, from the evidence to general character adduced before him, that the prisoner is, by habit, a robber, burglar or thief, or a vendor or receiver of stolen property, knowing the same to have been stolen; of a character so desperate, dangerous or irreclaimable, as to render his release, without security, at the expiration of the limited period of twelve months above specified, hazardous to the community, the magistrate shall record his opinion to that effect, with an order, specifying the amount of security which should, in his judgment, be required from the prisoner, as well as the number of sureties, and the period for which the sureties should be responsible for the prisoner's good behaviour.

If due ſecurity be not furniſhed by the priſoner, before the next ſeſſions, the proceedings in the caſe to be laid before the judge of circuit.

Second.—If the prisoner shall not furnish the security so required, before the next sessions of the Court of Circuit, the whole of the proceedings shall be laid before the Judge of that Court, who after examining them and requiring any further evidence which he may judge necessary, shall be competent from his own authority, to

pass

pass orders on the case, either confirming, modifying or annulling the orders of the magistrate, as he may judge proper and equitable.

Third.—In all such cases, if the Judge of Circuit shall not think it safe to direct the immediate discharge of the prisoner, he shall fix a limited period for the provisional detention of the prisoner (in the event of his not giving the security required from him,) which period shall never exceed three years, except in the cases specified in the following Section.

Orders to be paſſed by the court of circuit, if it ſhall not appear ſafe to direct the immediate diſcharge of ſuch priſoner.

X. *First.*—In cases in which the Judge of Circuit shall, from the proceedings before him, consider the prisoner to be a notorious gang robber, (Dukyt) of dangerous character, whom it would be unsafe to set at liberty, without substantial security for his future good behaviour, and who therefore, in default of giving such security, should be confined indefinitely, in pursuance of Section IX, Regulation VIII, 1808, he shall declare and order the same accordingly.

Orders to be paſſed by the court of circuit, if the priſoner ſhall appear to be a notorious gang robber.

Second.—In these cases, however, the Judge of Circuit shall nevertheless fix the amount of the security to be required from the prisoner, and shall provide in his order, that, if the prisoner shall not be able to furnish the security required, within the period of three years from the date of such order, the prisoner in question shall be again brought up before the Judge of Circuit, who may hold the sessions of jail delivery immediately following the expiration of the period of three years above specified, whose duty it will be, after examining the proceedings and making any further inquiries he may judge necessary, to determine whether the prisoner shall then be released, or whether he shall be again remanded, either on the same terms as before, or on any modified terms, favourable to the prisoner.

Further proviſions for ſuch caſes.

Third.—With a view to encourage respectable individuals to become sureties for prisoners of the description alluded to in the foregoing Clauses of this Section, the period for which the sureties are to be responsible for the good behaviour of the individuals, shall be, in all cases, limited to three years, subject however to the condition that the sureties, at the expiration of that period, shall be bound to deliver up the individuals to the magistrate.

Rules to encourage reſpectable individuals to become ſureties for ſuch priſoners.

Fourth.—When individuals shall be surrendered by their sureties, under the foregoing rule, the magistrate shall ascertain whether the former surety is willing again to become responsible for the future good behaviour of the prisoner, for a further period not exceeding three years; and, in the event of the surety being willing to become again responsible for the conduct of the prisoner, the magistrate shall accept the security and release the prisoner on the same terms as before.

Ditto.

Fifth.—If the former surety shall decline to become again responsible for the prisoner, and the prisoner shall be unable to furnish any other sufficient security, the magistrate shall detain him in custody until the ensuing sessions, when the prisoner is again to be brought before the Judge of Circuit, for such further orders as he may consider it proper to pass in the case.

Ditto.

XI. *First.*—Although the cautious and discreet application of the powers vested in the judicial officers, under the foregoing provisions, will tend, in future, to reconcile effectually the safety of the community, with a due regard to the rights of individuals, those rules will not operate to relieve the prisoners, now in confinement, under a requisition of security, unless a general revision of their cases be undertaken with reference to the same principles; and the following rules are accordingly enacted to provide for such revision.

A reviſion of the caſes of priſoners now detained in confinement, for ſecurity, to be undertaken.

Second.—It shall be competent to the Governor General in Council to nominate and appoint such individuals, (being officers of experience in the judicial department,) as he may from time to time judge proper to select, for the special duty of revising the cases of prisoners in confinement, under requisition of security.

The Governor General in Council authorized to appoint individuals for the ſpecial duty of making ſuch reviſion.

Third.—It shall be the duty of those officers to proceed to the sudder stations of the several districts or cities in which the prisoners, whose cases they are respectively to revise, may be confined.

Such officers to proceed to the ſudder ſtations of the ſeveral diſtricts.

Fourth.—The revision in question shall extend, 1st, to the cases of all prisoners who may be now detained in confinement, under requisition of security, by orders of the Nizamut Adawlut and Courts of Circuit, merely on the ground of strong

To what caſes the reviſion in queſtion is to extend.

 suspicion

suspicion of their having committed a specific offence, without proof of their notorious bad character.

To what cases the revision in question is to extend.

2*dly*. To the cases of all prisoners ordered, by whatever authority, to be imprisoned for an indefinite period, until they find security.

3*dly*. To the cases of all prisoners ordered, by whatever authority, to be imprisoned for a definite period, on failure to furnish security for their good behaviour, provided the amount of the security, and the period for which the sureties are to be responsible, be not distinctly specified in the order, and provided that the unexpired period, during which the prisoners may be still liable to be detained, shall exceed three years.

The revision to be conducted with reference to the general principles prescribed by this Regulation.

XII. All prisoners whose cases may be included under the first of the foregoing heads, shall be discharged, unless it shall appear, from the proceedings, that the prisoner is a person who, from the notoriety of his general bad character, ought not to be released without security: in these cases, as well as in the cases included under the second and third heads, the officer making the revision shall be guided by the general principles prescribed in this Regulation, and shall pass such orders as he may judge proper in each case, under the rules contained in Sections IX. and X. of this Regulation.

The orders passed by the individuals appointed to make the revision not subject to appeal, or to the revision of other authorities;

Unless the Nizamut Adawlut shall consider them to be unwarranted by this Regulation.

XIII. The persons who may be nominated by Government for the discharge of this special duty, are hereby vested with full authority to release prisoners confined for security, to diminish the amount of the security, to shorten the periods fixed for the discharge of the prisoners, and generally, to pass any orders favourable to such prisoners, which they may judge proper in the exercise of a sound and humane discretion, and their orders shall not be subject to appeal, or to the revision of any other authority, except in instances in which their orders may appear to the Nizamut Adawlut not to be warranted by the powers vested in them by this Regulation.

A report, showing the result of the proceedings of the officers making the revision, to be submitted, through the Nizamut Adawlut, for the information of Government.

XIV. The officers who may be nominated by Government for the discharge of the special duty above adverted to, shall submit a report, showing the result of their proceedings in each district, through the Nizamut Adawlut, for the information of Government, accompanied by such forms and statements as may be prescribed by the Nizamut Adawlut.

A. D. 1818. REGULATION IX.

A REGULATION for extending for a further period of five years the existing Settlement in the Conquered Provinces lying on the right and left banks of the River Jumna, with the exception of the Southern division of the District of Seharunpore, and in the Territory ceded to the British Government by His Highness the Peishwah in Bundlecund, in all cases in which the Settlement may have been concluded with the actual Proprietors of the Land:—Passed by the Governor General in Council on the 18th September 1818; corresponding with the 3d Assin 1225 Bengal era; the 4th Assin 1226 Fusly; the 4th Assin 1226 Willaity; the 4th Assin 1875 Sumbut; and the 16th Zekaad 1233 Higeree.

Preamble.

THE existing settlement of the land revenue in the conquered provinces lying on the right and left banks of the river Jumna, and in the territory ceded by his Highness the Peishwah in Bundlecund, will expire with the year 1227 F. S. and an extension of the said settlement for a further period of five years in all cases, in which it shall have been formed with the actual proprietors of the soil, and in which there is no reason to believe that the assessment is greatly inadequate or unequal, is calculated to promote the interests of the landholders, and will be otherwise attended with public advantage; but there being ground to apprehend that the existing settlement of the southern division of the district of Seharunpore has been formed on very insufficient data, the Governor General in Council deems it proper to exclude that division from the operation of the general arrangement above-mentioned. The following Rules have accordingly been enacted, to be in force from the period of their promulgation in the provinces and territory aforesaid.

The existing settlement of the land revenue in Bundlecund and in the conquered provinces, with the exception of the southern division of Seharunpore, to continue in force until the end of the year 1232 Fusly.

II. *First.*—The existing settlement of the land revenue in the conquered provinces lying on the right and left banks of the river Jumna, with the exception of the southern division of the district of Seharunpore, and in the territory ceded to the British Government by his Highness the Peishwah in Bundlecund, shall, in all cases in which it may have been concluded with zemindars or other acknowledged proprietors of land, continue in force until the expiration of the year 1232 Fusly, subject to the following provisions.

Proprietors who may not be willing to continue to hold their lands for the further period above specified, to notify the same to the collector before the 1st July, 1819.

Second.—If any proprietors of estates within the said provinces and territory, (with the exception of the tract of country aforesaid,) who may have entered into engagements for the payment of the public revenue, during the existing settlement, shall not be willing to continue to hold their lands on the terms specified in the preceding Section of this Regulation, for a further period of five years, viz. to the expiration of the year 1232 Fusly, they shall notify the same to the Collector of the zillah within which the lands may be situated, on or before the 1st July 1819.

If they shall not make such notification, to be held responsible until the end of the year 1232, for the same revenue as is specified in their engagements for the year 1227.

Third.—All such zemindars who shall not make a notification to the effect and within the period above-mentioned, shall be held and are hereby declared to be responsible for the payment of the same revenue, during the five years subsequent to the settlement now in formation, viz. until the expiration of the year 1232 Fusly, as may be specified in their engagements for the year 1227 Fusly.

Rules for the settlement of mehauls let in farm.

III. With respect to estates which are at present let to farm, and of which the leases will expire with the Fusly year 1227, the settlement of such mehauls shall be made with the actual proprietors, in all cases in which they may be willing to engage, during the years 1228, 1229, 1230, 1231 and 1232, for the payment of an annual jumma, equal to the amount payable by the farmers respectively on account of the year 1227, and shall make the necessary application to the Collector of the district in which the lands may be situated, or to the Board of Commissioners, on or before the 1st January 1820.

Rules to be observed when proprietors may decline to engage.

IV. In cases in which the proprietors of estates may decline to engage for the payment of the revenue demandable from their lands, during the years 1228, 1229, 1230, 1231 and 1232, or in which no acknowledged proprietors may be forthcoming, it will be the duty of the revenue authorities to take timely measures for ascertaining the assets of the estates, preparatory to the arrangements to be made for the above period, and it shall be competent in such cases to the said authorities, either to let the lands in farm for that period, or to assume the direct management of them.

Specification of the pergunnahs in the southern division of Seharunpore excluded from the operation of the foregoing provisions.

V. The undermentioned pergunnahs, forming the southern division of the district of Seharunpore, are excluded from the operation of the rules contained in the preceding Sections of this Regulation; and on the expiration of the present settlement of the said pergunnahs, a new settlement shall be made for a term of five years: Provided, however, that in any cases in which the proprietors of estates shall be desirous, previously to the expiration of the present settlement, of entering into engagements at an adequate jumma, for the years 1228, 1229, 1230, 1231 and 1232 F. S. and the revenue authorities shall possess in regard to such mehauls the information necessary to an assessment on proper principles, it shall be competent to the Board of Commissioners at any time after the promulgation of this Regulation, to direct a settlement to be concluded with such proprietors for the period aforesaid, viz. for the years 1228, 1229, 1230, 1231, and 1232, F. S. subject to the confirmation of Government.

Pergunnahs referred to in the above Section:

Ajrara,	Julalabad,	Shuckurpore,
Baughput,	Kandlah,	Sorohee,
Bhojepore,	Keranah,	Sumbulheree,
Bhooma,	Khatowlee,	Surrawah,
Bugra,	Lalookheree,	Tandah,
Chuprowlee,	Loney,	Tarrapore
Dadree,	Meerut,	Tekuree,
Dasnah,	Nelohah,	Teturwarra,
Gungaroo,	Phookanah,	Pooth,
Gurhmooktasur,	Shekarpore,	Seeana,
Hawpore,	Shamlee,	Thana Fureeda.
Jowley,		

A. D. 1818. REGULATION X.

A REGULATION for ensuring the more punctual and regular Collection of the public Revenue from Proprietors and Farmers of Land in the District of Cuttack, the Pergunnah of Puttaspore, and the several Pergunnahs dependent on it:—Passed by the Governor General in Council on the 9th October 1818; corresponding with the 24th Assin 1225 Bengal era; the 25th Assin 1226 Fusly; the 25th Assin 1226 Willaity; the 10th Assin 1875 Sumbut; and the 8th Zeelhege 1233 Higeree.

Preamble.

WHEREAS it is deemed expedient with the view to ensure for the future the more punctual collection of the public revenue from zemindars, talookdars and other actual proprietors of land and farmers of land in the district of Cuttack, the pergunnah of Puttaspore, and the several places dependent on it, to assimilate the system of collection in the said district and pergunnah, and places, more nearly to that pursued in the western provinces, the following Rules have been accordingly enacted, to be in force from the promulgation of this Regulation in the district and mehauls above mentioned.

The whole or a portion of a kist, payable for any month, if undischarged on the 1st of the next month, to be considered an arrear of revenue.

II. If the whole or a portion of the kist or instalments payable for any month by a proprietor or a farmer of land, shall remain undischarged on the first of the following month, the sum so remaining unpaid is to be considered an arrear of revenue.

Every proprietor and farmer to pay the instalments for each month, on or before the 1st of the ensuing month, without waiting for the amount being demanded.

III. Every proprietor of land and farmer of land is to cause the whole of the instalments of each month to be paid into the treasury of the collector of the zillah, or to the tehsildar or other officer who may be appointed to receive the public revenue assessed on the estate or farm, on or before the first day of the following month, without waiting for the amount being demanded by the collector or tehsildar, or other officer.

In the event of any arrear remaining undischarged, collector to issue a dustuck, or send a written notice, requiring payment within a given period.

In fixing such period, reference to be had to certain circumstances.

Proviso.

IV. In the event of any arrear of revenue being undischarged on the first day of the month succeeding that for which the arrears may be due, the collector shall in ordinary cases either issue his dustuck by a peon, or send a written notice by letter through the agents of the parties in attendance at his cutcherry, requiring payment of the kist due within a certain period after the day on which the writing may be served. In fixing that period, reference shall be had to the distance of his place of residence from the estate or farm of the defaulter, so as to allow him a reasonable time to convey the money to the public treasury; and in determining which of the above modes of process shall be adopted, the collector shall be guided by a consideration of the credit and responsibility of the parties; provided, however, that in cases in which it may appear to the collector unnecessary to issue a written demand, previously to the adoption of ulterior measures for the recovery of any arrear of revenue, it shall be competent to him altogether to omit that process.

Should the arrear still remain unpaid, collector how to proceed.

V. *First.*—If the arrear demanded be not discharged by the time prescribed in the requisition issued by the collector, or where a written demand may not have been issued by the 10th of the month, the collector shall issue dustucks under his seal and signature, and the peons serving such dustucks (if the amount in demand be not paid) are to bring the party or parties to whom they are addressed, whether proprietor, farmer, or the surety of either, without delay to the collector's cutcherry. The peons serving these dustucks shall be paid at the rates already established in the province. On the arrival of the defaulters, or their sureties, at the collector's station, the collector shall make inquiry into the circumstances of the case, and if the amount demandable be not paid, may keep the party or parties under arrest (in charge of the peons with whom they arrived or otherwise), during fifteen days from the date of their arrival; provided, however, that the collector may discharge the defaulter or his surety at any time within this period, on their satisfying him that they will make good the payment required from them before the expiration of the current Hindoo month. But if such satisfaction be not given, and the collector shall not judge proper, under the discretion vested in him by the existing Regulations, in regard to cases in which the proprietor or farmer of land may be unable to discharge the arrear from calamity of season, or other cause not originating in his or

Discretionary authority vested in the collector to discharge from arrest, conditionally, a defaulter or his surety.

their

their neglect, mismanagement or misconduct, to suspend the imprisonment of the defaulter or his surety, he shall at the expiration of the fifteen days above specified, cause the party or parties to be conveyed to the jail of the nearest Court of Dewanny Adawlut, and shall apply to the Court by motion in writing, specifying the amount of the arrear due from the defaulter, and the date on which it became payable. The motion shall be made in open Court (if the Court shall be sitting) through the pleader of Government or other vakeel retained for the purpose, for the confinement of the defaulter; but if the Court shall not be sitting, the motion shall be presented to the Judge or Register out of Court. On receipt of the motion, the Judge or Register shall immediately order the defaulter to be confined in the jail of the Dewanny Adawlut, and detained until he shall have discharged the arrears for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the collector shall apply to the Court as above directed to have him released. In all cases in which defaulting farmers or proprietors of land, or the sureties of either, shall be put in confinement, it shall be optional with the collector, at his own discretion, to attach their lands and make the collections according to subsisting engagements, excepting such as are evidently collusive, to the end of the current year, or, at the request of the parties, to allow the estate to remain under the management of an agent appointed by them: Provided, however, that in either case, if the neat collections prove insufficient to discharge the arrears due, the estate shall be considered liable to sale by public auction, under the existing rules.

Defaulter, if not so discharged, to be conveyed at the end of fifteen days to the Dewanny jail.

In cases in which defaulters may be so confined, the collector may attach their land and make the collections.

Proviso.

Second.—Provided also, that the collector may proceed to attach the estate of the defaulting proprietor or farmer, or the surety of either, without arresting his or their persons, in conformity with the rules established for that process by Regulation VII, of 1799, in any month of the year.

Collector may also attach the estate of a defaulting proprietor or farmer, or the surety of either, without arresting his or their persons.

Third.—Provided further, that if the collector shall be of opinion that instead of confining the person of the defaulter or the surety, and attaching his estate or farm, the arrear due from him will be more speedily discharged by distraining and selling any personal property belonging to the defaulter or his surety; or if in any case, notwithstanding the confinement of a defaulting proprietor or farmer or surety, and the attachment of his estate or farm for an arrear of revenue, such arrear be not discharged, and the defaulter or his surety shall possess any personal property from which the same can be made good, the collector may cause the personal property of the defaulter or his surety to be distrained and sold, as far as shall be necessary for the recovery of the arrear due, in the mode and under the restrictions prescribed by the Regulations, with regard to the distress and sale of personal property of undertenants, for the recovery of arrears of rent due from them to proprietors and farmers.

Collector may distrain and sell any personal property belonging to the defaulter or his surety, for the recovery of the revenue.

Fourth.—Provided likewise, that whenever any portion of an instalment of revenue payable in any month, remains undischarged on the first of the following month, the collector may forthwith, or at any subsequent period (such arrear still remaining undischarged) with or without serving on the defaulter, whether a proprietor or farmer, a written demand, advertise lands the property of the defaulter or his surety for public sale, reporting the same with all convenient expedition to the Board of Revenue, or other authority exercising the powers of that Board; but the collector shall in no case proceed to the actual sale of the landed property of a defaulting proprietor or farmer, or the surety of either, without the express sanction of the Board or other authority aforesaid, previously obtained; and it shall be the duty of the revenue authorities to avoid having recourse to the public sale of the landed property of defaulters and their sureties, except in cases in which they may be satisfied that such a measure is necessary to the realization of the dues of Government, and that the other measures authorized in the preceding Sections would prove insufficient for that purpose.

Collector may advertise defaulter's lands for sale, giving notice thereof to the Board of Revenue, or other executive authority; but not to proceed to the actual sale of such lands, without the sanction of the Board or authority.

VI. With the view of preventing proprietors or farmers of land from withholding the payment of the public revenue, in order to derive the benefit of the use of the money, or otherwise applying it to their private purposes, it is hereby enacted, that in any case in which it shall appear to the collector, that a talookdar, zemindar, or other actual proprietor or farmer of land, has, without sufficient cause established to his satisfaction, withheld the payment of the public dues, the collector shall be authorized to charge the defaulter interest on the arrear at the rate of twelve per cent. per annum. The payment of the interest shall be enforced by the same process

Should a proprietor or farmer withhold the payment of revenue, with a view to derive benefit from the use of the money, collector to charge interest on the arrear.

which is prescribed by this Regulation for compelling the discharge of arrears of the stipulated public revenue.

Collectors of Cuttack and Hidgellee, in inſtances of arrears accruing within that diſtrict and pergunnah, to be careful to aſcertain the real cauſes of the arrears, and authorized to ſuſpend the exerciſe of the powers veſted in them, in caſes which may appear to deſerve conſideration.

VII. Under the ample powers now vested in the collectors of Cuttack and Hidgellee, for ascertaining the assets of estates lying within the district and pergunnahs, to which this Regulation extends, by the process of attachment, and for bringing defaulters into their presence, as soon as an arrear becomes due, it is expected that in all instances of arrears accruing within the said district and pergunnahs, the above-named functionaries will be particularly careful to inform themselves, as far as possible, of the real cause of the arrear; viz. whether want of good faith on the part of the defaulter, or actual inability from a failure in his rents, from calamity of season, or from any other cause. When the collector, from the report of his Mofussil officers, from personal observations, or from other information obtained by him, shall be satisfied that the defaulter, whether proprietor or farmer, is unable from real inability, not proceeding from any personal deficiency, to make good his arrears by the periods specified in Section V, either from the collections from his estate or farm, or from his private funds or property, he is directed to suspend the exercise of the powers vested in him for the confinement of the defaulter, the attachment of his estate, the distraint and sale of his or his surety's personal property, and immediate advertisement of his or his surety's landed property for sale by public auction; but the collector shall on such occasions immediately report all the circumstances of the case to the Board of Revenue, Commissioner, or other authority exercising the powers of that Board, and shall be guided by the instructions which he may receive from the Board or other authority aforesaid. In forwarding his monthly towjees also to the Board, or other authority exercising the powers of that Board, the collector shall state particularly the number of cases in which he has found it necessary to resort to coercive measures of the nature authorized in preceding Sections, as well as those in which he has considered it just and expedient to suspend the exercise of his powers; and the Board or other authority aforesaid, are hereby required to notice in their reports to the Governor General in Council on the towjee accounts of the district and pergunnahs aforesaid, the attention or otherwise of the collector to this important part of his duty.

To report ſuch caſes to the Board.

Nothing in this Regulation to be underſtood as affecting exiſting Regulations for the collection of revenue in Cuttack, except ſuch as are expreſsly ſuperſeded.

VIII. Nothing contained in this Regulation shall be understood to alter or affect any of the provisions of existing Regulations relative to the collection of the land revenue in the zillah of Cuttack, excepting where they are virtually or expressly superseded or modified by any of the above enactments.

A. D. 1818. REGULATION XI.

A REGULATION for modifying certain parts of Regulation XIII, 1816:—Passed by the Governor General in Council on the 6th November 1818; corresponding with the 22d Kautick 1225 Bengal era; the 23d Kautick 1226 Fusly; the 23d Kautick 1226 Willaity; the 9th Kautick 1875 Sumbut; and the 6th Moherrum 1234 Higeree.

Preamble.

WHEREAS by Sections XXXIX and LXXVI, Regulation XIII, 1816, it is prescribed that all opium, excepting that which may be manufactured on account of Government, or sold by its authority, which may be found within the provinces dependent on the Presidency of Fort William; together with opium of whatsoever description, which may be found in the possession of any person not duly authorized, in quantity exceeding two tolahs weight, shall be considered contraband; and all persons, in whose possession such contraband opium may be found, are liable to the penalties prescribed in Section XLV, of the above-mentioned Regulation; and whereas it appears expedient to exempt, in certain cases, travellers and visitants from foreign states, from the operation of the above rules, and generally to enlarge the quantity of opium which individuals are permitted to have in their possession; and whereas it has likewise appeared advisable to modify certain other parts of the Regulation aforesaid; the following Rules have been enacted, to be in force from the date of their promulgation throughout the provinces immediately dependent on the Presidency of Fort William.

II. *First.*

II. *First.*—Section XXXIX, Regulation XIII, 1816, shall not be considered as authorizing the seizure and confiscation of any opium, the produce or manufacture of a foreign state or country, which may be found in the possession of any traveller or visitant from such foreign state or country, nor the seizure and confiscation of the carriages, cattle or packages on or in which the opium may be found; provided, that such opium do not exceed the quantity of two seers, and that it be *bonâ fide* intended for the private use and consumption of such traveller or visitant, or for the use and consumption of his attendants, and not for sale or traffic. Nor shall the Section above quoted be considered as authorizing the seizure and confiscation of any opium the produce or manufacture of a foreign state or country, which may be found in the possession of any dealers in horses from beyond the south-west frontier of the conquered provinces, travelling with a string of horses; nor the seizure and confiscation of the carriages, cattle or packages on or in which the opium may be found; provided, that such opium do not exceed the proportion of ten sicca weight for each horse.

Section XXXIX, Regulation XIII, 1816, not to authorize the seizure of foreign opium, when the quantity found in the possession of any traveller or visitant from a foreign state may not exceed two seers, and may be intended for private use.

Nor the seizure of opium found in the possession of dealers in horses, when the quantity may not exceed ten sicca weigh for each horse.

Second.—In like manner Section XLV. of the said Regulation shall not be considered as authorizing the imposition of any fine or a sentence of imprisonment, on any such traveller or visitant, or dealer in horses, from a foreign state or country, in whose possession any greater quantity of opium, the produce or manufacture of any foreign state, may be found, than the quantity specified in the foregoing clause; nor the infliction of any other penalty besides the confiscation of the opium in excess to such limitation.

Section XLV. of the same Regulation not to authorize any penalties for a breach of the above rules, except the confiscation of the opium found in excess to such limitation.

Third.—Provided, however, that if any such traveller or visitant, or dealer in horses, shall at any time offer such opium for sale, or shall be proved to have at any time sold such opium, he or they shall be liable to all the penalties prescribed by the above quoted Regulation.

Penalty, if such foreign opium be offered for sale.

Fourth.—Provided also, that nothing contained in the above clauses, shall be considered applicable to persons fraudulently or clandestinely importing foreign opium into the provinces dependent on the Presidency of Fort William, in violation of the law: all such persons shall be and continue subject to the penalties which are or may be prescribed for illicit dealings in opium.

Penalty for the illicit dealings in foreign opium.

III. *First.*—In modification of Section LXXVI. of the above quoted Regulation, it is hereby declared, that all persons may have in their possession any quantity of opium, not exceeding five tolahs weight, of the weight in use at the public shops in the district, being opium duly manufactured on account of Government, or sold by its authority, and intended for private use and consumption, and not for sale or traffic.

Modification of Section LXXVI, Regulation XIII, 1816.

Second.—If a greater quantity of opium than that above specified shall be found on or in possession of any person not duly authorized, and not being of the description specified in Section II. of this Regulation, the opium shall be considered contraband, as heretofore, and the offender shall be liable to the penalties prescribed in the above quoted Section.

Under what circumstances the opium to be considered contraband.

Third.—Provided, however, that in cases in which the Board of Revenue, or other authority exercising the powers of that Board, may deem it expedient to authorize native medical practitioners, or other individuals, to retain in their possession for medical purposes a larger quantity of opium than five tolahs weight, or to supply such persons with opium directly from the collector's office, at a lower price than it can be furnished by the licensed venders, the Board, or other authority aforesaid, shall be empowered to direct the collectors, or other officers in charge of the abkarry mehal, to grant to such persons a special license to that effect free of tax, and to supply them with opium on such terms as under the circumstances of the case may appear reasonable and proper.

Power reserved to the Board of Revenue to allow native medical practitioners or other individuals to retain larger quantities of opium than five tolahs weight.

Fourth.—Parties receiving such licenses shall in no case sell or give any of the opium received by them under the above provision, unless for the purpose of its being *bonâ fide* administered under their own directions as medicine, in cases of actual sickness duly ascertained by them. All such licenses shall be liable at all times to be cancelled by the collector or other officer in charge of the abkarry mehal, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board; and any person having such a license, who shall sell or give opium to any person otherwise than for the purpose and in the manner above stated, or shall have in his

Penalty for selling or giving away opium contrary to the purposes stated in the preceding clause.

his possession a larger quantity of opium than that specified in his license, shall be subject to all the penalties prescribed for the illicit vend and possession of the drug.

Rule for determining rewards for the seizure and confiscation of contraband opium.

IV. *First.*—In modification of the rules contained in Sections L. and LI, Regulation XIII, 1816, and the other provisions contained in that Regulation, for determining the rewards granted on the seizure and confiscation of contraband opium, it is hereby enacted, that all illicit opium that may be hereafter seized, shall be valued at seven rupees per seer, and that in all cases in which the rewards assigned to persons seizing contraband opium, or giving information leading to the seizure of such opium, or to European functionaries by whose subordinate officers a seizure is effected, are regulated by the quantity of opium seized and confiscated, the amount of such rewards shall be proportionably reduced; that is to say, in cases in which under the provisions of the said Regulation persons as aforesaid are entitled to a reward of two rupees eight annas per seer of eighty sicca weight on the quantity of opium confiscated, such persons shall henceforth receive for each seer one rupee twelve annas only, and in cases in which the reward now receivable is rupees five per seer, a reward of three rupees eight annas per seer shall be granted.

Rewards how to be determined in cases where the owner of opium may be seized and convicted, and in cases where the owner may not be apprehended and convicted.

Second.—Provided further, that the said rewards of one rupee twelve annas and three rupees eight annas per seer shall be granted only in cases in which the owners of opium seized and confiscated may be apprehended and convicted; and that in cases in which the said owners shall not be apprehended and convicted, the persons seizing the opium, or giving information leading to the seizure of it, and the European functionaries by whose subordinate officers the seizure may be effected, shall be entitled to one moiety only of the said rewards, viz. to fourteen annas, or one rupee twelve annas per seer, as the case may be.

A. D. 1818. REGULATION XII.

A REGULATION for extending the Powers of the Magistrates and Joint Magistrates in the Trial of Persons charged with breaking into Houses and other places of Habitation, or into Warehouses or other Places used for the custody of Property, with an intent to steal; or charged with Theft; or with buying or receiving Stolen Property, knowing the same to have been stolen; or charged with Escape from Jail or other place of Confinement:—Passed by the Governor General in Council on the 6th November 1818; corresponding with the 22d Kautick 1225 Bengal era; the 23d Kautick 1226 Fusly; the 23d Kautick 1226 Willaity; the 9th Kautick 1875 Sumbut; and the 6th Moherrem 1234 Higeree.

Preamble.

WHEREAS under the existing Regulations the magistrates are not empowered to pass any sentence of punishment upon prisoners who may be charged before them with the offence of breaking into or attempting to break into houses, tents, boats, or other places of habitation, or into warehouses or other places used for the custody of property, with an intent to steal, as defined in Section II, Regulation I, 1811, or with the offence of receiving or buying stolen goods, knowing the same to be stolen; and whereas much of the time of the Judges of Circuit is occupied in investigating these and some other offences, which from their character and from the circumstances attending their perpetration, do not very frequently demand any severe or exemplary degree of punishment; and whereas the prosecutors and witnesses in such cases are exposed to great distress and inconvenience in being compelled to attend, not only during the inquiry into such cases before the magistrates, but subsequently during the trial before the Court of Circuit; and whereas the prisoners themselves in such cases are sometimes subjected to a prolonged detention in custody previously to their trial at the sessions; and whereas some of the inconveniences above noticed will be obviated, and the ends of criminal justice will be more promptly and effectually obtained by investing the magistrates with certain powers with regard to the trial and punishment of persons charged with and convicted of such offences; the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories immediately dependent on the Presidency of Fort William.

II. *First.*

II. *First.*—The zillah and city magistrates shall be guided by the following rules, whenever individuals may be apprehended and brought before them, on a charge of having committed the offence of breaking into, or attempting to break into a dwelling-house, tent, boat, or other place of habitation, by night or by day, with an intent to steal (but without open violence, such as to constitute the crime of robbery by open violence), or with the offence of breaking into, or attempting to break into any warehouse, storehouse, or other building or place used for the custody or preservation of property, either by night or by day, with an intent to steal (but without open violence;) or of being present, aiding and abetting in the commission of any of the offences above specified; or although not present, of having procured or caused the perpetration of any of those offences by hire, counsel or command; or of having in any manner confederated with the actual perpetrators of them, in pursuance of a preconcerted plan.

Rules for the guidance of magistrates on the trial of offenders charged with burglary.

Second.—If the perpetration of any of the offences enumerated in the preceding Clause, not amounting to the crime of robbery by open violence, shall be accompanied with murder, or with an attempt to commit murder, or with wounding, burning, corporal injury, or other aggravating act of personal violence; or if the prisoners or any of the prisoners concerned in the offences described in the preceding Clause, shall appear to have been before convicted of burglary, robbery or other heinous crime; or if the prisoners, or any of them, shall appear to be persons of notoriously bad character, or shall be charged with having committed the offence while employed in the office of watchmen, guards or police officers, as described in Section IV, Regulation III, 1805; or if the value or amount of the property stolen shall exceed the sum of one hundred rupees; in all such cases, it shall be the duty of the magistrate to commit the whole of the prisoners who may appear from the evidence adduced to have been concerned in the offence, to take their trial before the Court of Circuit at the ensuing session.

In cases of burglary, attended with acts of violence, and certain other circumstances of aggravation, the magistrates to commit the offenders to the court of circuit.

Third.—In cases of conviction before the Court of Circuit of individuals charged with any of the offences above specified, the Judge of Circuit shall be guided by the rules contained in Section VIII, Regulation XVII, 1817, referring such cases as may come within the provisions of Clause second and Clause fourth of that Section, to the Court of Nizamut Adawlut, and in all other cases not coming within the provisions of those Clauses, sentencing the prisoners to suffer such degree of punishment, as on a consideration of all the circumstances of the case, may appear adequate to the offence; not exceeding, however, in any instance, thirty-nine stripes of the corah, and imprisonment with hard labour for fourteen years, with or without banishment from the district in which the prisoner may have resided.

Punishment to be awarded by courts of circuit on such offenders when convicted.

Fourth.—If from the investigation held by the magistrate, there shall appear reason to believe, that a prisoner apprehended and brought before him, has been guilty of any of the offences described in the first Clause of this Section, but that such offence has not been attended with any of the circumstances of aggravation specified in the second Clause of this Section, the magistrate shall, in addition to the evidence which may be adduced on the part of the prosecution, take the defence of the prisoners and the evidence of the witnesses who may be designated by the prisoners in support of their defence, and, after a full and deliberate investigation, shall proceed, without reference to the Court of Circuit, to pass sentence of acquittal or conviction.

Magistrates empowered to take cognizance of burglaries, unattended with the aggravating circumstances noticed in clause second.

Fifth.—If the prisoners be convicted, the magistrate is hereby empowered to sentence them to imprisonment with hard labour for a period not exceeding two years, and to corporal punishment not exceeding thirty stripes of the rattan, and to carry such sentence into immediate execution.

Punishment which the magistrates may inflict on offenders convicted of burglary before them.

III. *First.*—Under the existing Regulations, the magistrates are empowered to sentence prisoners convicted before them of theft, to imprisonment for a period not exceeding six months, with corporal punishment not exceeding thirty rattans; and in cases appearing to them to demand a more severe punishment, they are required to commit the prisoners for trial before the Court of Circuit. The following rules are now enacted, for extending the powers of the magistrates in the punishment of prisoners convicted of theft, and for defining the cases which are to be cognizable respectively by the magistrates and by the Courts of Circuit.

Rules for extending the powers of magistrates in the punishment of persons convicted of theft, and defining cases cognizable respectively by magistrates and courts of circuit.

Thefts in which the offenders muſt be committed for trial before the court of circuit.

Second.—In all cases of theft, whether in a house, warehouse or other place, or from the person of another (not coming within the provisions of the Regulations in force for the punishment of robbery by open violence, or the provisions of Clause 1st, Section II, of this Regulation,) if the theft, or the attempt to commit the same, shall have been accompanied with murder, or with an attempt to commit murder, or with wounding, burning, severe corporal injury, or other aggravating act of personal violence, it shall be the duty of the magistrate to commit the whole of the prisoners, who may appear from the evidence adduced to have been concerned, either as principals or accomplices in the offence, to take their trial before the Court of Circuit at the ensuing session.

Diſcretion veſted in magiſtrates in committing priſoners accuſed of theft, for trial, although not charged with uſing perſonal violence.

The magistrate shall also exercise his discretion in committing for trial before the Court of Circuit any prisoners charged with theft, (although not attended with the aggravating circumstances above mentioned,) who from their notoriously bad character, or from their having been before convicted of a heinous offence, or from any other peculiar circumstances of the case, may appear to him deserving of a severer punishment than the magistrate is authorized to inflict under the following Clauses of this Section.

Penalties to which ſuch perſons are liable on conviction before the court of circuit.

Such persons, if convicted on trial before the Court of Circuit, will be liable to the penalties prescribed for the offences in question by the 2d, 4th, 5th and 7th Clauses of Section VIII, Regulation XVII, 1817.

Magiſtrates to try and decide in all other caſes of theft.

Third.—With exception to the cases above mentioned, the magistrates shall hear and determine, without reference to the Courts of Circuit, all other cases of theft, and after having duly considered the evidence which may be adduced on the part of the prosecution and of the prisoner, shall pass sentence of acquittal or conviction.

Puniſhment to which priſoners are declared liable in caſes of theft cognizable by magiſtrates, if attended with aggravating circumſtances.

Fourth.—In cases of theft cognizable by the magistrate under the foregoing rules, if the amount or value of the property stolen shall exceed fifty rupees, or if the persons committing the theft shall have been before convicted of theft, burglary, robbery, or other heinous offence; or if the prisoner shall have committed the offence while employed in the office of watchman, guard or police officer, as described in Section IV, Regulation III, 1805, or be a servant of the person from whom the property may have been stolen, or a servant employed in the house in which the theft may have been committed, as well as in all cases of cattle stealing, the magistrate shall be empowered, on proof of the guilt of the prisoner, to sentence him to imprisonment with hard labour for such period as may appear proper, not exceeding two years, and to corporal punishment not exceeding thirty stripes with a rattan.

Magiſtrate to refer other caſes of theft to his aſſiſtant, or inveſtigate them himſelf.

Fifth.—In other cases of theft, not included in the foregoing provisions, the magistrate shall either refer the case for decision to his assistant, under the powers vested in the assistant to the magistrate by the Regulations in force, or shall proceed to investigate them himself, and to pass sentence on the prisoners under the powers vested in him by Section XIX, Regulation IX, 1807.

Sections VII. and VIII, Regulation I, 1811, reſcinded, and rules enacted for the guidance of magiſtrates in inveſtigating charges againſt receivers and buyers of ſtolen property.

IV. *First.*—The provisions contained in Sections VII. and VIII, Regulation I, 1811, for the punishment of persons convicted of receiving or buying stolen or plundered property, knowing the same to have been stolen or plundered, are hereby rescinded, and the magistrate shall be guided by the following rules in the investigation of charges preferred against individuals for the offence of receiving or buying stolen goods, cattle, jewels, money or effects of whatever description, knowing the same to have been stolen.

Purchaſers or receivers of ſtolen property, obtained under aggravating circumſtances, to be tried before the court of circuit.

Second.—All prisoners who may appear to the magistrate, from the investigation held by him, to be guilty of having purchased or received plundered or stolen property of any description, knowing at the time of his purchasing or receiving the same, that such property had been obtained in the perpetration of robbery by open violence, or of theft, accompanied with any of the aggravating circumstances described in the second Clause of Section II, or the second Clause of Section III, of this Regulation, shall be committed by the magistrate to take their trial before the Court of Circuit;

Puniſhment on conviction.

and such persons, if convicted before the Court of Circuit of the offence of receiving or buying plundered or stolen goods, cattle, jewels, money or effects of whatever description, knowing at the time that such property had been obtained by robbery or by theft, accompanied with any of the aggravating circumstances described in the second Clause of Section II, or the second Clause of Section III, of this Regulation, shall be sentenced by the Judge of Circuit, according to the circumstances of the case, to such period of imprisonment as may appear proper, in no instance, however, exceeding fourteen years, and to corporal punishment not exceeding thirty-nine stripes of the corah.

Third.

Third.—The magistrate shall also be empowered to commit for trial to the Court of Circuit, any prisoner charged with the offence of buying or receiving stolen property of whatever description, knowing at the time that such property had been stolen, although the property may not have been obtained in the perpetration of theft, accompanied by any of the aggravating circumstances described in the second Clause of Section II, and the second Clause of Section III, of this Regulation; provided that the prisoner shall have been before convicted of the offence of buying or receiving stolen property, or of robbery, burglary theft or other heinous crime, or that the prisoner shall appear to be an habitual and professional receiver of stolen property, or a person of notoriously bad character; and such person shall, upon being duly convicted before the Court of Circuit, be liable to such punishment within the limitations prescribed in the preceding Clause of this Section, as the Court of Circuit may judge proper to direct, on a consideration of all the circumstances of the case.

Notorious offenders and common receivers of ſtolen property, obtained without violence, may be alſo tried before the court of circuit.

Fourth.—With exception to the cases above mentioned, the magistrate shall hear and determine, without reference to the Courts of Circuit, all other cases in which individuals may be charged with the offence of buying or receiving stolen property of whatever description, knowing it at the time to have been stolen, or with the offence of having in their possession property obtained by theft or robbery, and knowing at a period of time subsequently to its first coming into their possession, that such property had been so obtained, notwithstanding which they may have kept the stolen property in their possession without restoring it to the owner, or giving information to the local police officer or magistrate. In such cases the magistrate, after having duly considered the evidence in support of the prosecution, the defence of the prisoners, and the evidence of the witnesses designated by the prisoners, shall proceed to pass sentence of conviction or acquittal: if the prisoners be convicted, the magistrate is hereby empowered to sentence them to imprisonment with hard labour for a period not exceeding in any case two years, and to corporal punishment not exceeding thirty stripes of the rattan.

Magiſtrates empowered to hear and decide all other caſes in which priſoners may be charged with buying or receiving ſtolen property.

Magiſtrates how to proceed in ſuch caſes.

Fifth.—It is hereby explained, that persons charged with the offences specified in the preceding Clauses of this Section, may be brought to trial and sentenced to punishment, although the actual perpetrators of the theft or robbery may not have been convicted; provided, however, that the fact of the theft or robbery having been committed be established, and it be proved that the purchaser or receiver knew that the property in question had been obtained by theft or robbery.

Receivers may be tried, and puniſhed, although the actual thief or robber may not have been convicted.

Proviſo.

V. *First.*—The cases of convicts, or of prisoners ordered to be confined till they give security for good behaviour, who may effect their escape while under sentence or order of imprisonment, from a jail or other place of confinement, or from the custody of their guards, shall be cognizable by the magistrate, and upon conviction, the magistrate shall be empowered to sentence the offenders to corporal punishment not exceeding thirty stripes with a rattan, and (if sentenced to a limited period of imprisonment) to suffer such further period of imprisonment beyond the unexpired term of their original sentence, as he may judge proper; provided, however, that such additional imprisonment shall in no case exceed the period of two years. If the prisoner be in confinement under an order to find security for good behaviour, he may be sentenced to imprisonment for a specific term not exceeding two years.

Convicts, or priſoners confined for ſecurity, effecting their eſcape, to be tried by the magiſtrate.

Puniſhment on conviction.

Proviſo.

Second.—The cases of prisoners apprehended and detained in custody under examination on charges of a criminal nature, but not admitted to bail, who may effect their escape from a jail or other place of confinement, or from the custody of their guards, shall also be cognizable by the magistrates; and such prisoners being duly convicted of the offence in question, shall be liable to a sentence of imprisonment in no case exceeding six months.

Priſoners eſcaping from confinement, while under examination, to be tried and ſentenced by the magiſtrate.

Third.—The Rules contained in the two preceding Clauses shall not, however, be considered applicable to the cases of convicts or other prisoners, who, in effecting their escape, or in attempting to effect their escape, shall be guilty of such a degree of violence towards their guards or other individuals, as may in its consequences involve the death, wounding or severe personal injury of any person or persons. In all cases of that nature it shall be the duty of the magistrate to commit the offender to take his trial before the Court of Circuit.

The foregoing rules declared inapplicable to convicts, who, in eſcaping from confinement, may be guilty of acts of ſerious perſonal violence.

Magiſtrates how to proceed in ſuch caſes.

VI. *First.*—In addition to the calendars of persons apprehended and discharged, or punished, which the magistrates are now required to submit to the Court of Circuit

Magiſtrates to ſubmit ſeparate liſts to the courts of circuit, of all perſons ſentenced by them to a longer impriſonment than ſix months.

at

at the period of the sessions, it shall be the duty of the magistrates to furnish a separate list of all persons who may have been sentenced by them under the provisions of this Regulation, to a longer period of imprisonment than six months, showing the names of the prisoners, the crimes with which they may have been charged, and the sentences passed upon them; and it is hereby declared, that the powers vested in the Courts of Circuit, and in the Nizamut Adawlut, with regard to the revision of sentences and orders passed by the magistrates, shall be considered applicable to all sentences and orders passed by the magistrates under this Regulation.

The Nizamut Adawlut and Courts of Circuit empowered to reviſe all ſuch ſentences and orders paſſed by the magiſtrates.

Second.—The superintendents of police, and all officers vested with the powers of joint magistrates under the Regulations, are hereby declared competent to exercise the same powers and functions as are entrusted to the zillah and city magistrates under this Regulation.

The powers veſted in the magiſtrates extended to the ſuperintendents of police and joint magiſtrates.

VII. *First.*—By the first Clause of Section XXV, Regulation XX, 1817, the darogahs and other police officers are authorized to stay the process of arrest against persons accused of any of the offences specified in that Section (including housebreaking and theft,) until they can receive the magistrate's orders, when any special reason may appear why the issue of process for apprehending the party accused should be stayed. In further explanation of that Clause, it is hereby declared, that the darogahs and other police officers are empowered to postpone apprehending and forwarding to the magistrate persons charged with thefts, whether attended with burglary or otherwise; provided it shall appear that the offenders shall not have used any personal violence in the occurrence, and provided that the parties against whom the offence shall have been committed, shall express their desire that the offenders shall not be apprehended and conveyed before the magistrate; provided also, that the offenders have not previously been actually guilty of, or suspected of having committed theft, or burglary, or robbery.

Darogahs, &c. entruſted with diſcretionary authority in apprehending and forwarding certain offenders to the magiſtrates.

Proviſo.

Further proviſion.

Second.—Every case of this nature shall be fully and immediately reported by the police officers to the magistrate, who will either call for any further information which he may judge proper, or will at once determine, according to the circumstances of the case, whether it is or is not necessary, for the ends of justice, that the charge should be regularly investigated, and will issue his orders accordingly.

Such caſes to be reported to the magiſtrates.

Third.—In the exercise of that discretion, the magistrate will be governed by any extenuating circumstances which may appear, such as the youth of the offender, his having been prompted to the offence (more especially in times of scarcity and famine) by extreme distress, and by his character appearing to have been previously respectable: under less favourable circumstances, the magistrate will also attend to the important object of preserving the honour of families, when the offender may be nearly connected with the party who has suffered the injury, and the latter may be anxious to exempt the offender from the infamy of a public ignominious punishment.

Magiſtrates how to proceed in ſuch caſes.

A. D. 1818. REGULATION XIII.

A REGULATION for extending for a further period of Three Years the existing Settlement of Cuttack, Pergunnah Puttaspore and its Dependencies, in all cases in which the Settlement may have been concluded with Zemindars or actual Proprietors of the Land:—Passed by the Governor General in Council on the 20th November 1818; corresponding with the 6th Aughun 1225 Bengal era; the 8th Aughun 1226 Fusly; the 7th Aughun 1226 Willaity; the 7th Aughun 1875 Sumbut; and the 20th Moherrem 1224 Higeree.

Preamble.

WHEREAS the existing settlement of the district of Cuttack, the pergunnah Puttaspore and its dependencies, will expire with the present year, 1226 Umlee; and whereas an extension of the said settlement, at an equal jumma, in all cases in which it has been formed with zemindars or other proprietors of estates, is calculated to promote the interests of that class of persons, and will likewise afford due time to the revenue officers to collect the materials necessary for the formation of a settlement on proper principles; and whereas it appears expedient to make a distinct provision for determining the amount of malikana to be allowed to those zemindars or other proprietors who shall decline to enter into engagements for their estates; the following Rules have been enacted, to be in force from the date of their promulgation

gation in the district of Cuttack, and in the pergunnah of Puttaspore, and its dependencies.

The settlement of Cuttack and of the pergunnah of Puttaspore and its dependencies, to continue in force until the expiration of the year 1229 Umlee.

II. The existing settlement of the land revenue of the district of Cuttack, and of the pergunnah Puttaspore and its dependencies, shall, in all cases in which it may have been concluded with zemindars, or other acknowledged proprietors of land, continue in force until the expiration of the year 1229 Umlee, subject to the following provisions.

Zemindars who may be unwilling to continue their engagements to the year 1229 Umlee, to notify the same to the collector on or before the 1st March 1819.

III. If any zemindars or other proprietors of estates within the said district and pergunnah and its dependencies, who may have entered into engagements for the payment of the public revenue during the existing settlement, shall not be willing to continue those engagements to the expiration of the year 1229 Umlee, they shall notify the same to the Collector of Cuttack, or to the Collector of Hidgellee, according as the lands may be subject to the authority of either of those officers, on or before the 1st March 1819; corresponding with the 19th Phagoon 1225 Bengal era; the 19th Phagoon 1226 Fusly; the 20th Phagoon 1226 Willaity; the 5th Phagoon 1875 Sumbut; and the 3d Jumadoolawal 1234 Higeree.

Zemindars liable to the payment of the same revenue as before, if they do not make such notification.

IV. All zemindars who shall not make a notification to the effect, and within the period above-mentioned, shall be held, and are hereby declared to be responsible, for the payment of the same revenue, during the ensuing three years, viz. until the expiration of the year 1229 Umlee, as may be demandable from them on account of the present year, under the provisions of Regulation VI, 1816, or under distinct engagements entered into by such proprietors.

Settlement how to be formed of estates now let to farm or held khaus.

V. With respect to estates which are at present let to farm, and of which the leases will expire with the present year, as well as estates now held khaus, the settlement of all such lands shall be formed for the ensuing three years with the zemindars, or other actual proprietors of land, supposing such persons to be willing to engage for the payment of the public revenue, on such terms as may appear reasonable, according to the most accurate information obtainable regarding the produce of their lands.

Revenue authorities how to proceed in cases where the zemindars or proprietors may relinquish the management of their estates, and in cases where no proprietors of lands may be forthcoming.

VI. In cases in which the zemindars or other proprietors may relinquish the management of their estates under the option given to them by Section III. of this Regulation, or who may otherwise decline to engage for the payment of the revenue demandable from their lands during the ensuing three years, and in cases in which no acknowledged proprietors of lands may be forthcoming, it will of course be the duty of the revenue authorities to take timely measures for ascertaining the assets of the estates, and it shall be competent in such cases to the said authorities to let the lands in farm for such period not exceeding ten years, as the Governor General in Council shall appoint, or to assume the direct management of them. In all such cases the recusing zemindars shall be entitled from and after the commencement of the ensuing Umlee year, to receive an allowance as malikana, at such rate as the Board of Revenue, the Commissioner in Cuttack, or other officer exercising the powers of the said Board, shall in each case determine; any thing in the existing Regulations notwithstanding: Provided, however, that the said allowance shall not in any case be less than five per cent. on the net amount realized by Government from the lands, nor shall it exceed ten per cent. on that amount, without the special sanction of the Governor General in Council: Provided further, that if the said recusing zemindars or other proprietors, shall in any case be in the receipt of any allowance in lieu of the nankar, formerly granted to them by the Marhatta Government, under the provisions of Regulation XII, 1805, the amount of such nankar allowance shall be deducted from the malikana, to which they are by this Section declared to be entitled.

Recusing zemindars entitled to an allowance as malikana.

At what rate the malikana to be fixed

All nankar allowance enjoyed by a recusing zemindar, to be deducted from the malikana authorized under the present Regulation.

A. D. 1818. REGULATION XIV.

A REGULATION for altering the Standard of the Calcutta Sicca Rupee and Gold Mohur, and for further modifying some of the Rules in force respecting those Coins:—Passed by the Governor General in Council on the 24th December 1818; corresponding with the 11th Poose 1225 Bengal era; the 12th Poose 1226 Willaity; the 12th Poose 1875 Sumbut; and the 25th Suffer 1234 Higeree.

Preamble.

THE high standards established for the gold mohur and sicca rupee, having been found productive of many inconveniences, both to individuals and the public, inas-

much as they are ill calculated to resist the wear and defacement to which coins are necessarily exposed, and as they are only to be obtained by having recourse to the expensive process of refining, diminishing consequently the productiveness of most of the sorts of bullion imported into the Company's territories; and it being desirable also that as much uniformity as can be established between the currencies circulating at the different Presidencies, should be introduced, consequently that an approximation of the standard of the Calcutta coins to the standard of those current at Madras and Bombay should be effected, it has been resolved to rescind the provisions of former Regulations relative to the standard of the gold mohur and nineteenth sun sicca rupee, and to coin in future money of the proportions hereafter to be specified.

As a reduction in the value of the sicca rupees, from its being in great measure the money of account, both in private and public transactions, would necessarily change the terms of all existing contracts, and might be productive of embarrassment and trouble, it has been determined to leave the rupee unaltered in this respect; and the new Calcutta sicca rupee will consequently contain the same quantity of fine silver as that heretofore struck, and being of the same intrinsic value, will circulate on the same terms. The mint proportions of silver and gold being, it is believed, inaccurately estimated at present, and it being also desirable that an uniformity in this respect should be introduced at the three Presidencies of Calcutta, Madras and Bombay, it has been thought advisable to make a slight deduction in the intrinsic value of the gold mohur, to be coined at this Presidency, in order to raise the relative value of fine gold to fine silver, from the present rates of 1 to 14.861 to that of 1 to 15. The gold mohur will still continue to pass current at the present rate of sixteen rupees. For the purposes and objects above enumerated the following provisions are hereby enacted and declared to be in force from the 1st of January 1819.

Part of Section II, Regulation XXXV, 1793, rescinded.

I. *First.*—So much of Section II, Regulation XXXV, 1793, as fixes the weight and standard of the nineteenth sun sicca rupee and gold mohur, is hereby rescinded.

Specification of the weight and standard of the Calcutta sicca rupee and gold mohur.

Second.—The weight and standard of the Calcutta sicca rupee and gold mohur and their respective divisions, shall be as follows:

Gold Mohur Weight:	Gold.	Fine Gold.	Alloy.
Grs. - - -	204.710	187.651	17.059
Half ditto - -	102.355	93.825	8.529
Quarter ditto - -	51.177	46.912	4.264
Sicca Rupee Weight:	**Silver.**	**Fine Silver.**	**Alloy.**
Grs. - - -	191.916	175.923	15.993
Half ditto - -	95.958	87.961	7.997
Quarter ditto - -	47.979	43.981	3.998

Sicca rupees and gold mohurs of the weight and standard specified in the preceding section, to be considered as legal tenders.

II. All Calcutta sicca rupees and gold mohurs of the weight and standard specified in Section I, which may be coined in the Calcutta mint after the 1st of January 1819, and also their halves and quarters, are to be considered as legal tender of payment in all public and private transactions throughout the provinces of Bengal, Behar and Orissa, in like manner as the nineteenth sun sicca rupees and gold mohurs, and the fractional parts of them now in circulation; and any native officer of Government refusing to receive them, shall be subject to the penalty prescribed in Section III, Regulation XXXV, 1793.

Section II, Regulation II, 1812, rescinded.

III. *First.*—The following provisions shall be substituted for those of Section II, Regulation II, 1812, which are hereby rescinded.

Duty to be levied on bullion or coin delivered into the Calcutta mint for coinage.

Second.—All silver bullion or coin (not being struck at the Calcutta mint) which may be delivered into that mint for coinage, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, in sicca rupees of the above weight and standard; and the amount of the said duty shall be accordingly deducted from the return to be made to the proprietor.

Duty to be levied if the proprietor shall desire to have his bullion or coin converted into halves or quarters of rupees.

Third.—Individuals who may be desirous of it, shall be at liberty to have their bullion or coin converted into halves or quarters of the above rupee, on condition of paying a duty at the rate of one per cent. in addition to the duty of two per cent. established by the preceding Clause.

Fourth.

Fourth.—Should, however, the coin brought to the mint for that purpose, consist of Calcutta siccas of the former or present weight and standard, the proprietors shall only be subject to the additional duty of one per cent. and not to the duty on all other coin and bullion.

Duty to be levied if such coin shall consist of Calcutta siccas.

Fifth.—On delivery of the silver bullion or coin into the mint, the mint master shall grant to the proprietor a receipt, entitling him to a certificate from the assay master, for the net produce of such bullion or coin, agreeably to the Table subjoined to this Regulation, and marked (No. 1.) payable at the General Treasury at Calcutta, at the expiration of ten days, if the produce be deliverable in whole rupees; and at the expiration of twenty days, if the produce be deliverable in halves or quarters of a rupee, from the date of such certificate. In the latter case, the additional duty established by Clause third, Section IV, of this Regulation, is of course to be deducted from the net produce.

Course of proceeding to be observed when silver bullion or coin shall be delivered into the mint.

IV. Section III, Regulation II, 1812, is hereby declared applicable to rupees, half and quarter rupees, coined in conformity with the provisions of this Regulation; provided, however, that all such rupees, halves and quarters, shall be receivable in all public and private transactions, if, when separately weighed, the deficiency in point of weight, be not more than two pice, or grains Troy 1.999 per rupee.

Application of Section III, Regulation II, 1812, to rupees, half and quarter rupees, coined in conformity with this Regulation.

V. *First.*—The following rules shall be observed in lieu of the third and fourth Clauses of Section V, Regulation II, 1812, which are hereby rescinded.

Clauses 3d and 4th, Section V, Regulation II, 1812, rescinded.

Second.—For all gold bullion or coin equal to, or better than the standard prescribed for the gold mohur by this Regulation, which may be brought to the mint for coinage, a number of the new gold mohurs, or of the halves and quarters of such mohurs, equal to the produce of such bullion, shall be returned to the proprietor, after deducting the duty of 2½ per cent. as mentioned in Clause second, Section V, Regulation II, 1812.

Mode of proceeding when gold bullion or coin brought to the mint for coinage, shall be equal to or better than the standard prescribed for the gold mohur, by this Regulation.

Third.—All gold bullion or gold coin, being under the above specified standard, which may be delivered into the Calcutta mint for coinage, shall, in addition to the duty of two rupees eight annas per cent. fixed by Clause second, Section V, Regulation II, 1812, be subject to a charge, on account of the loss and expense of refining agreeably to Table (No. 2.) annexed to this Regulation, together with the established deduction on account of the inferiority of standard.

Mode of proceeding when it may be inferior to the above specified standard.

VI. Such parts of Regulation XXXV, of 1793, and Regulation II, 1812, as are not repealed by the above Regulation, shall be considered as still in force.

Certain provisions of Regulation XXXV, 1793, and Regulation II, 1812, to be still in force.

(No. 1.)

TABLE of the Produce of Silver Bullion in the Calcutta Mint, commencing the 1st January 1819.

Standard.	Decimal Addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Sa. Rs.	Duty of 2 per Cent. on Coinage.	Net Produce Sicca Rupees.
Dwts.							
20 Br.	9.091	- -	- -	109.091	102.128	2.043	100.085
19½ Br.	8.864	- -	- -	108.864	101.915	2.038	99.877
19 Br.	8.636	- -	- -	108.636	101.702	2.034	99.668
18½ Br.	8.409	- -	- -	108.409	101.489	2.030	99.459
18 Br.	8.182	- -	- -	108.182	101.277	2.026	99.251
17½ Br.	7.955	- -	- -	107.955	101.064	2.021	99.043
17 Br.	7.727	- -	- -	107.727	100.851	2.017	98.834
16½ Br.	7.500	- -	- -	107.500	100.638	2.013	98.625
16 Br.	7.273	- -	- -	107.273	100.426	2.008	98.418
15½ Br.	7.045	- -	- -	107.045	100.212	2.004	98.208
15 Br.	6.818	- -	- -	106.818	100.000	2.000	98.000
14½ Br.	6.591	- -	- -	106.591	99.787	1.996	97.791
14 Br.	6.364	- -	- -	106.364	99.575	1.991	97.584
13½ Br.	6.136	- -	- -	106.136	99.361	1.987	97.374
13 Br.	5.909	- -	- -	105.909	99.149	1.983	97.166
12½ Br.	5.682	- -	- -	105.682	98.936	1.979	96.957
12 Br.	5.455	- -	- -	105.455	98.724	1.974	96.750
11½ Br.	5.227	- -	- -	105.227	98.510	1.970	96.540
11 Br.	5.000	- -	- -	105.000	98.298	1.966	96.332
10½ Br.	4.773	- -	- -	104.773	98.085	1.962	96.123
10 Br.	4.545	- -	- -	104.545	97.872	1.957	95.915

(*continued.*)

Standard.	Decimal Addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Sa. Rs.	Duty of 2 per Cent on Coinage.	Net Produce Sicca Rupees.
Dwts.							
9½ Br.	4.318	- -	- -	104.318	97.659	1.953	95.706
9 Br.	4.091	- -	- -	104.091	97.447	1.949	95.498
8½ Br.	3.864	- -	- -	103.864	97.234	1.945	95.289
8 Br.	3.636	- -	- -	103.636	97.021	1.940	95.081
7½ Br.	3.409	- -	- -	103.409	96.808	1.936	94.872
7 Br.	3.182	- -	- -	103.182	96.596	1.931	94.665
6½ Br.	2.955	- -	- -	102.955	96.383	1.928	94.455
6 Br.	2.727	- -	- -	102.727	96.170	1.923	94.247
5½ Br.	2.500	- -	- -	102.500	95.957	1.919	94.038
5 Br.	2.273	- -	- -	102.273	95.745	1.915	93.830
4½ Br.	2.045	- -	- -	102.645	95.531	1.911	93.620
4 Br.	1.818	- -	- -	101.818	95.319	1.906	93.413
3½ Br.	1.591	- -	- -	101.591	95.106	1.902	93.204
3 Br.	1.864	- -	- -	101.364	94.894	1.898	92.996
2½ Br.	1.136	- -	- -	101.136	94.680	1.894	92.786
2 Br. Eng. Std.	.909	- -	- -	100.909	94.468	1.889	92.579
1½ Br.	.682	- -	- -	100.682	94.255	1.885	92.370
1 Br.	.455	- -	- -	100.455	94.043	1.881	92.162
½ Br.	.227	- -	- -	100.227	93.830	1.877	91.953
Standard.	.000	- -	- -	100.000	93.617	1.872	91.745
½ W.	.227	- -	.227	99.773	93.404	1.868	91.536
1 W.	.455	- -	.455	99.545	93.191	1.864	91.327
1½ W.	.682	- -	.682	99.318	92.979	1.860	91.119
2 W.	.909	- -	.909	99.091	92.766	1.855	90.911
2½ W.	1.136	- -	1.136	98.864	92.554	1.851	90.703
3 W.	1.364	- -	1.364	98.636	92.341	1.847	90.494
3½ W.	1.591	- -	1.591	98.409	92.128	1.843	90.285
4 W.	1.818	- -	1.818	98.182	91.915	1.838	90.077
4½ W.	2.045	- -	2.045	97.955	91.703	1.834	89.869
5 W.	2.273	- -	2.273	97.727	91.489	1.830	89.659
5½ W. Sp. Dr. Std.	2.500	- -	2.500	97.500	91.277	1.826	89.451
6 W.	2.727	- -	2.727	97.273	91.064	1.821	89.243
6½ W.	2.955	.297	3.252	96.748	90.573	1.811	88.762
7 W.	3.182	.445	3.627	96.373	90.222	1.804	88.418
7½ W.	3.409	.592	4.001	95.999	89.871	1.797	88.074
8 W.	3.636	.744	4.380	95.620	89.517	1.790	87.727
8½ W.	3.864	.901	4.765	95.235	89.156	1.783	87.373
9 W.	4.091	1.058	5.149	94.851	88.797	1.776	87.021
9½ W.	4.318	1.064	5.382	94.618	88.579	1.771	86.808
10 W.	4.545	1.072	5.617	94.383	88.359	1.767	86.592
10½ W.	4.773	1.078	5.851	94.149	88.139	1.763	86.376
11 W.	5.000	1.088	6.088	93.912	87.918	1.758	86.160
11½ W.	5.227	1.100	6.327	93.673	87.694	1.754	85.940
12 W.	5.455	1.112	6.567	93.433	87.469	1.749	85.720
12½ W.	5.682	1.125	6.807	93.193	87.244	1.745	85.499
13 W.	5.909	1.138	7.047	92.953	87.020	1.740	85.280
13½ W.	6.136	1.150	7.286	92.714	86.796	1.736	85.060
14 W.	6.364	1.161	7.525	92.475	86.572	1.731	84.841
14½ W.	6.591	1.173	7.764	92.236	86.349	1.727	84.622
15 W.	6.818	1.186	8.004	91.996	86.124	1.722	84.402
15½ W.	7.045	1.196	8.241	91.759	85.902	1.718	84.184
16 W.	7.273	1.208	8.481	91.519	85.677	1.713	83.964
16½ W.	7.500	1.220	8.720	91.280	85.454	1.709	83.745
17 W.	7.727	1.233	8.960	91.040	85.229	1.704	83.525
17½ W.	7.955	1.250	9.205	90.795	85.300	1.700	83.300
18 W.	8.182	1.268	9.450	90.550	84.770	1.695	83.075
18½ W.	8.409	1.287	9.696	90.304	84.540	1.691	82.849
19 W.	8.636	1.305	9.941	90.059	84.311	1.686	82.625
19½ W.	8.864	1.321	10.185	89.815	84.082	1.682	82.400
20 W.	9.091	1.339	10.430	89.570	83.853	1.677	82.176
20½ W.	9.318	1.357	10.675	89.325	83.623	1.672	81.951
21 W.	9.545	1.373	10.918	89.082	83.396	1.668	81.728
21½ W.	9.773	1.404	11.177	88.823	83.153	1.663	81.490
22 W.	10.000	1.434	11.434	88.566	82.913	1.658	81.255
22½ W.	10.227	1.466	11.693	88.307	82.670	1.653	81.017
23 W.	10.455	1.496	11.951	88.049	82.429	1.648	80.781
23½ W.	10.682	1.526	12.208	87.792	82.188	1.644	80.544
24 W.	10.909	1.555	12.464	87.536	81.949	1.639	80.310
24½ W.	11.136	1.585	12.721	87.279	81.708	1.634	80.074
25 W.	11.364	1.615	12.979	87.021	81.466	1.629	79.837
25½ W.	11.591	1.649	13.240	86.760	81.222	1.624	79.598
26 W.	11.818	1.683	13.501	86.499	80.978	1.620	79.358
26½ W.	12.045	1.717	13.762	86.238	80.733	1.614	79.119

Standard.	Decimal Addition or Reduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Sa. Rs.	Duty of 2 per Cent. on Coinage.	Net Produce Sicca Rupees.
Dwts.							
27 W.	12.273	1.751	14.024	85.976	80.488	1.610	78.878
27 ½ W.	12.500	1.800	14.300	85.700	80.230	1.605	78.625
28 W.	12.727	1.850	14.577	85.423	79.970	1.599	78.371
28 ½ W.	12.955	1.900	14.855	85.145	79.710	1.594	78.116
29 W.	13.182	1.950	15.132	84.868	79.451	1.589	77.862
29 ½ W.	13.409	2.010	15.419	84.581	79.182	1.584	77.598
30 W.	13.636	2.068	15.704	84.296	78.915	1.578	77.337
30 ½ W.	13.864	2.168	15.992	84.008	78.646	1.573	77.073
31 W.	14.091	2.183	16.274	83.726	78.382	1.568	76.814
31 ½ W.	14.318	2.240	16.558	83.442	78.116	1.562	76.554
32 W.	14.545	2.296	16.841	83.159	77.851	1.557	76.294
32 ½ W.	14.773	2.349	17.122	82.878	77.588	1.552	76.036
33 W.	15.000	2.398	17.398	82.602	77.330	1.547	75.783
33 ½ W.	15.227	2.444	17.671	82.329	77.074	1.541	75.533
34 W.	15.455	2.485	17.940	82.060	76.822	1.536	75.286
34 ½ W.	15.682	2.511	18.193	81.807	76.585	1.532	75.053
35 W.	15.909	2.536	18.445	81.555	76.349	1.527	74.822

(No. 2.)

TABLE of the Produce of Gold Bullion in the Calcutta Mint, commencing the 1st January 1819.

New Standard.	Decimal Addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sicca Weight.	Produce in Gold Mohurs.	Duty of 2½ per Cent. on Coinage.	Net Produce in Gold Mohurs.
Cars. Grs. Qrs.							
2. 0. Br.	9.09091	- -	- -	109.09091	95.74485	2.39362	93.35123
1. 3. ¾ Br.	8.80682	- -	- -	108.80682	95.49551	2.38739	93.10812
1. 3. ½ Br.	8.52273	- -	- -	108.52273	95.24618	2.38115	92.86503
1. 3. ¼ Br.	8.23864	- -	- -	108.23864	94.99684	2.37492	92.62192
1. 3. 0 Br.	7.95455	- -	- -	107.95455	94.74751	2.36869	92.37882
1. 2. ¾ Br.	7.67046	- -	- -	107.67046	94.49817	2.36245	92.13572
1. 2. ½ Br.	7.38636	- -	- -	107.38636	94.24883	2.35622	91.89261
1. 2. ¼ Br.	7.10227	- -	- -	107.10227	93.99949	2.34999	91.64950
1. 2. 0 Br.	6.81818	- -	- -	106.81818	93.75016	2.34375	91.40641
1. 1. ¾ Br.	6.53409	- -	- -	106.53409	93.50082	2.33752	91.16330
1. 1. ½ Br.	6.25000	- -	- -	106.25000	93.25149	2.33129	90.92020
1. 1. ¼ Br.	5.96591	- -	- -	105.96591	93.00216	2.32505	90.67711
1. 1. 0 Br.	5.68182	- -	- -	105.68182	92.75282	2.31882	90.43400
1. 0. ¾ Br.	5.39773	- -	- -	105.39773	92.50349	2.31259	90.19090
1. 0. ½ Br.	5.11364	- -	- -	105.11364	92.25416	2.30635	89.94781
1. 0. ¼ Br.	4.82956	- -	- -	104.82956	92.00483	2.30012	89.70471
1. 0. 0 Br.	4.54545	- -	- -	104.54545	91.75547	2.29389	89.46158
0. 3. ¾ Br.	4.26136	- -	- -	104.26136	91.50614	2.28765	89.21849
0. 3. ½ Br.	3.97727	- -	- -	103.97727	91.25680	2.28142	88.97538
0. 3. ¼ Br.	3.69318	- -	- -	103.69318	91.00747	2.27519	88.73228
0. 3. 0 Br.	3.40909	- -	- -	103.40909	90.75813	2.26895	88.48918
0. 2. ¾ Br.	3.12500	- -	- -	103.12500	90.50880	2.26272	88.24608
0. 2. ½ Br.	2.84091	- -	- -	102.84091	90.25946	2.25649	88.00297
0. 2. ¼ Br.	2.55682	- -	- -	102.55682	90.01013	2.25025	87.75988
0. 2. 0 Br.	2.27273	- -	- -	102.27273	89.76079	2.24402	87.51677
0. 1. ¾ Br.	1.98864	- -	- -	101.98864	89.51146	2.23779	87.27367
0. 1. ½ Br.	1.70455	- -	- -	101.70455	89.26213	2.23155	87.03058
0. 1. ¼ Br.	1.42045	- -	- -	101.42045	89.01278	2.22532	86.78746
0. 1. 0 Br.	1.13636	- -	- -	101.13636	88.76345	2.21909	86.54436
0. 0. ¾ Br.	.85227	- -	- -	100.85227	88.51411	2.21285	86.30126
0. 0. ½ Br.	.56818	- -	- -	100.56818	88.26478	2.20662	86.05816
0. 0. ¼ Br.	.28409	- -	- -	100.28409	88.01544	2.20039	85.81505
Standard.	.00000	- -	- -	100.00000	87.76611	2.19415	85.57196
0. 0. ¼ W.	.28409	.50000	.78409	99.21591	87.07794	2.17695	84.90099
0. 0. ½ W.	.56818	.50000	1.06818	98.93182	86.82861	2.17072	84.65789
0. 0. ¾ W.	.85227	.50000	1.35227	98.64773	86.57927	2.16448	84.41479
0. 1. 0 W.	1.13636	.50000	1.63636	98.36364	86.32994	2.15825	84.17169
0. 1. ¼ W.	1.42045	.50000	1.92045	98.07955	86.08060	2.15202	83.92858
0. 1. ½ W.	1.70455	.50000	2.20455	97.79545	85.83126	2.14578	83.68548
0. 1. ¾ W.	1.98864	.50000	2.48864	97.51136	85.58193	2.13955	83.44238
0. 2. 0 W.	2.27273	.50000	2.77273	97.22727	85.33259	2.13334	83.19928
0. 2. ¼ W.	2.55682	.50000	3.05682	96.94318	85.08326	2.12708	82.95618
0. 2. ½ W.	2.84091	.50000	3.34091	96.65909	84.83392	2.12085	82.71307

(continued.)

New Standard.	Decimal Addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sicca Weight.	Produce in Gold Mohurs.	Duty of 2½ per Cent. on Coinage.	Net Produce in Gold Mohurs.
Cars. Grs. Qrs.							
0. 2. ¾ W.	3.12500	.50000	3.62500	96.37500	84.58459	2.11461	82.46998
0. 3. 0 W.	3.40909	.50000	3.90909	96.09091	84.33525	2.10838	82.22687
0. 3. ¼ W.	3.69318	.50000	4.19318	95.80682	84.08592	2.10215	81.98377
0. 3. ½ W.	3.97727	.50000	4.47727	95.52273	83.83659	2.09591	81.74068
0. 3. ¾ W.	4.26136	.50000	4.76136	95.23864	83.58725	2.08968	81.49757
1. 0. 0 W.	4.54545	.50000	5.04545	94.95455	83.33791	2.08345	81.25446
1. 0. ¼ W.	4.82955	.50000	5.32955	94.67045	83.08857	2.07721	81.01136
1. 0. ½ W.	5.11364	.50000	5.61364	94.38636	82.83923	2.07098	80.76825
1. 0. ¾ W.	5.39773	.50000	5.89773	94.10227	82.58990	2.06475	80.52515
1. 1. 0 W.	5.68182	.50000	6.18182	93.81818	82.34057	2.05851	80.28206
1. 1. ¼ W.	5.96591	1.00000	6.96591	93.03409	81.65240	2.04131	79.61109
1. 1. ½ W.	6.25000	1.00000	7.25000	92.75000	81.40307	2.03508	79.36799
1. 1. ¾ W.	6.53409	1.00000	7.53409	92.46591	81.15373	2.02884	79.12489
1. 2. 0 W.	6.81818	1.00000	7.81818	92.18182	80.90440	2.02261	78.88179
1. 2. ¼ W.	7.10227	1.00000	8.10227	91.89773	80.65506	2.01638	78.63868
1. 2. ½ W.	7.38636	1.00000	8.38636	91.61364	80.40573	2.01014	78.39559
1. 2. ¾ W	7.67045	1.00000	8.67045	91.32955	80.15639	2.00391	78.15248
1. 3. 0 W.	7.95455	1.00000	8.95455	91.04545	79.90705	1.99768	77.90937
1. 3. ¼ W.	8.23864	1.00000	9.23864	90.76136	79.65771	1.99114	77.66627
1. 3. ½ W.	8.52273	1.00000	9.52273	90.47727	79.40838	1.98521	77.42317
1. 3. ¾ W.	8.80682	1.00000	9.80682	90.19318	79.15904	1.97898	77.18006
2. 0 0 W.	9.09091	1.00000	10.09091	89.90909	78.90971	1.97274	76.93697
2. 0. ¼ W.	9.37500	1.00000	10.37500	89.62500	78.66037	1.96651	76.69336
2. 0. ½ W.	9.65909	1.00000	10.65909	89.34091	78.41104	1.96028	76.45076
2. 0. ¾ W.	9.94318	1.00000	10.94318	89.05682	78.16170	1.95404	76.20766
2. 1. 0 W.	10.22727	1.00000	11.22727	88.77273	77.91237	1.94781	75.96456
2. 1. ¼ W.	10.51136	1.00000	11.51136	88.48864	77.66304	1.94158	75.72146
2. 1. ½ W.	10.79545	1.00000	11.79545	88.20455	77.41370	1.93534	75.47836
2. 1. ¾ W.	11.07955	1.00000	12.07955	87.92045	77.16436	1.92911	75.23525
2. 2. 0 W.	11.36364	1.00000	12.36364	87.63636	76.91502	1.92288	74.99214
2. 2. ¼ W.	11.64773	1.50000	13.14773	86.85227	76.22686	1.90567	74.32119
2. 2. ½ W.	11.93182	1.50000	13.43182	86.56818	75.97752	1.89944	74.07808
2. 2. ¾ W.	12.21591	1.50000	13.71591	86.28409	75.72819	1.89320	73.83499
2. 3. 0 W.	12.50000	1.50000	14.00000	86.00000	75.47885	1.88697	73.59188
2. 3. ¼ W.	12.78409	1.50000	14.28409	85.71591	75.22952	1.88074	73.34878
2. 3. ½ W.	13.06818	1.50000	14.56818	85.43182	74.98018	1.87450	73.10568
2. 3. ¾ W.	13.35227	1.50000	14.85227	85.14773	74.73085	1.86827	72.86258
3. 0. 0 W.	13.63636	1.50000	15.13636	84.86364	74.48151	1.86204	72.61947
3. 0. ¼ W.	13.92045	1.50000	15.42045	84.57955	74.23218	1.85580	72.37638
3. 0. ½ W.	14.20455	1.50000	15.70455	84.29545	73.98284	1.84957	72.13327
3. 0. ¾ W.	14.48864	1.50000	15.98864	84.01136	73.73350	1.84334	71.89016
3. 1. 0 W.	14.77273	1.50000	16.27273	83.72727	73.48417	1.83710	71.64707
3. 1. ¼ W.	15.05682	1.50000	16.55682	83.44318	73.23483	1.83087	71.40396
3. 1. ½ W.	15.34091	1.50000	16.84091	83.15909	72.98550	1.82464	71.16086
3. 1. ¾ W.	15.62500	1.50000	17.12500	82.87500	72.73646	1.81840	70.91776
3. 2. 0 W.	15.90909	1.50000	17.40909	82.59091	72.48683	1.81217	70.67466
3. 2. ¼ W.	16.19318	1.50000	17.69318	82.30682	72.23749	1.80594	70.43155
3. 2. ½ W.	16.47727	1.50000	17.97727	82.02273	71.98816	1.79970	70.18846
3. 2. ¾ W.	16.76136	1.50000	18.26136	81.73864	71.73882	1.79347	69.94535
3. 3. 0 W.	17.04545	1.50000	18.54545	81.45455	71.48949	1.78724	69.70225
3. 3. ¼ W.	17.32955	2.00000	19.32955	80.67045	70.80131	1.77003	69.03128
3. 3. ½ W.	17.61364	2.00000	19.61364	80.38636	70.55198	1.76380	68.78818
3. 3. ¾ W.	17.89773	2.00000	19.89773	80.10227	70.30264	1.75757	68.54507
4. 0. 0 W.	18.18182	2.00000	20.18182	79.81818	70.05331	1.75133	68.30198
4. 0. ¼ W.	18.46591	2.00000	20.46591	79.53409	69.80398	1.74510	68.05888
4. 0. ½ W.	18.75000	2.00000	20.75000	79.25000	69.55464	1.73887	67.81577
4. 0. ¾ W.	19.03409	2.00000	21.03409	78.96591	69.30531	1.73263	67.57268
4. 1. 0 W.	19.31818	2.00000	21.31818	78.68182	69.05597	1.72640	67.32957
4. 1. ¼ W.	19.60227	2.00000	21.60227	78.39773	68.80664	1.72017	67.08647
4. 1. ½ W.	19.88636	2.00000	21.88636	78.11364	68.55730	1.71393	66.84337
4. 1. ¾ W.	20.17045	2.00000	22.17045	77.82955	68.30797	1.70770	66.60027
4. 2. 0 W.	20.45455	2.00000	22.45455	77.54545	68.05862	1.70147	66.35715
4. 2. ¼ W.	20.73864	2.00000	22.73864	77.26136	67.80929	1.69523	66.11406
4. 2. ½ W.	21.02273	2.00000	23.02273	76.97727	67.55995	1.68900	65.87095
4. 2. ¾ W.	21.30682	2.00000	23.30682	76.69318	67.31062	1.68277	65.62785
4. 3. 0 W.	21.59091	2.00000	23.59091	76.40909	67.06123	1.67653	65.38475
4. 3. ¼ W.	21.87500	2.00000	23.87500	76.12500	66.81195	1.67030	65.14165
4. 3. ½ W.	22.15909	2.00000	24.15909	75.84091	66.56261	1.66407	64.89854
4. 3. ¾ W.	22.44318	2.00000	24.44318	75.55682	66.31328	1.65783	64.65545
5. 0. 0 W.	22.72727	2.00000	24.72727	75.27273	66.06394	1.65160	64.41234

II.

REGULATIONS

Passed by the Governor in Council of *Fort St. George*, in the Year 1818.—No. I. to IX.

A. D. 1818. REGULATION I.

A REGULATION to provide for the more effectual administration of Criminal Justice in certain cases, and to alter certain provisions of the Regulations in force:—Passed by the Governor in Council of Fort St. George on the 28th January 1818; corresponding with the 17th Tye of the year Eswara, 1739th year of Salewahan; and with the 20th Rublavul, 1233 Hijeree.

Preamble.

IT having been deemed expedient to vest the Court of Foujdary Adawlut with discretion to pass sentence of punishment in cases wherein, although the futwa of the law officers may not declare the prisoner to be guilty of the fact or facts charged against him, or liable, on strong presumption, to discretionary punishment, the Judges of that Court may be of opinion that the proof against the prisoner is sufficient to convict him of the whole or any part of the charge; and it having been also considered expedient to modify the Mohummudan law, as well in cases of zena or whoredom, as in cases of kutl-i-khuta or accidental homicide; as also to dispense with the process of "godna" in cases of conviction of the crime of perjury, subornation of perjury, or forgery; and further to declare that all rewards offered for the apprehension of proclaimed robbers shall be payable on the delivery of their persons to the zillah magistrate by whom they may have been proclaimed, or to the magistrate within whose jurisdiction they may have been apprehended, the following rules have been enacted.

In what cases the Court of Foujdary Adawlut may pass a sentence of conviction and punishment, notwithstanding a futwa of acquittal by the law officers of that court, without requiring a second futwa.

II. *First.*—In all trials referred to the Foujdary Adawlut, when the futwa of the law officers of that Court may acquit a prisoner of the whole or any part of the charge preferred against him, and two or more Judges of that Court, on a deliberate consideration of the circumstances of the case in evidence before them, shall concur in opinion that the proof against the prisoner is sufficient to convict him of the whole or any part of the charge, the Judges so concurring in opinion, provided the penalty to be adjudged on proof of the commission of the offence shall have been specially denounced in any subsisting Regulation, are hereby declared competent to convict and sentence the prisoner to suffer the punishment so prescribed by the Regulations, in like manner as if he had been declared convicted by the futwa of the law officers.

Cases in which the law officers shall be called upon to give a second futwa.

Second.—If the penalty to be adjudged on proof of the commission of the offence shall not have been specially denounced by any subsisting Regulation, the Judges of the Foujdary Adawlut shall require the law officers to declare, by a second futwa, to what sentence the prisoner would have been liable under the Mohummudan law if he had been convicted by full legal evidence, and shall proceed thereupon to pass sentence according to such second futwa, commuting the punishment if any Regulation require it.

Rules for the law officers of the court of circuit in delivering their futwa in trials for offences within the provisions of the Mohummudan law for cases of *zena* and *fiál-i-shuneea*.

III. *First.*—In trials before the Court of Circuit for adultery, rape, or any other offence within the provisions of the Mohummudan law for cases of *zena* and *fiál-i-shuneea*, the futwa of the law officer of the Court of Circuit before which the trial may be held shall declare only whether the prisoner be legally convicted, or if not, whether there be strong grounds of presumption that he is guilty of the crime charged against him.

Judge of circuit how to proceed, where the futwa ſhall declare the priſoner legally convicted, or that there is ſtrong preſumption of his guilt, and the judge ſhall concur in the futwa.

Second.—If the futwa so given shall declare the prisoner legally convicted, or that there is strong presumption of his guilt, the Judge of Circuit, provided he concur in the opinion declared in the futwa, shall either pass sentence against the prisoner or refer the trial for the sentence of the Foujdary Adawlut, according as the circumstances of the case shall appear to render it referable or otherwise, under the Regulations in force.

Whenever a priſoner may be convicted of the crime of rape, proceedings to be referred to the Foujdary Adawlut.

Third.—If the prisoner be convicted, either on full legal evidence or on strong presumption, of the heinous crime of rape, the Judge of Circuit shall not pass any sentence, but shall refer the trial for the sentence of the Foujdary Adawlut.

In caſes of adultery, charge by whom to be preferred.

Fourth.—In cases of adultery it shall be requisite that the charge be made and prosecuted exclusively by the husband against the wife, or by the wife against the husband.

Rule to be obſerved in all caſes of homicide where there may be proofs of a previous malignant intention.

IV. *First.*—After the date fixed for the operation of the penal Clauses of this Regulation, any person who may be convicted of having subsequently thereto, deliberately and maliciously intended to murder one individual, and of having, in the prosecution of such intention, caused the death of the person whom he had intended to murder in a manner different from that in which he had intended to cause his death, (as where the instrument of perpetration may pass by the person aimed at and kill him on a rebound), or of having accidentally killed another individual, shall be liable to suffer capital punishment, in like manner as if the act had been committed as originally intended by him. In all such cases the Courts of Circuit, provided they concur in the conviction of the prisoner, shall transmit their proceedings to the Court of Foujdary Adawlut, the Judges of which Court, if they consider the prisoner to be convicted of such murderous intention and subsequent actual homicide, shall require their law officers to declare, by a second futwa, to what punishment the prisoner would have been liable if the homicide had been committed as intended by the prisoner; and if their futwa shall declare him in such case liable to suffer death, or if, under the futwa so given and the modifications of the Mohummudan law contained in the Regulations, the prisoner be liable to suffer capital punishment, the Court of Foujdary Adawlut shall proceed in the case as prescribed by the Regulations in force.

The principle of the preceding rule to be obſerved in all caſes of corporal injury, where there may be proof of a previous malignant intention.

Second.—In like manner, after the date fixed for the operation of the penal Clauses of this Regulation, any person who may be convicted of having subsequently thereto unlawfully and maliciously intended to wound, maim or otherwise do corporal injury to one individual, and of having in the prosecution of such intention, wounded such individual in a manner different from that in which he had intended to wound him, (as where the instrument may pass by the person aimed at and wound him on a rebound) or of having accidentally wounded, maimed or otherwise corporally injured another individual, shall be held punishable for the act committed by him with such unlawful and malicious intention, in like manner as if such act had been committed as intended by him. The law officers of the Court of Circuit shall in such cases be required to state the punishment to which the prisoner would have been liable if he had committed the act as intended by him, and the Courts of Circuit shall pass sentence accordingly, or refer the trial to the Court of Foujdary Adawlut as the case may be referable or otherwise, under the general Regulations.

Proceedure of the Court of Foujdary Adawlut when trials may be referred to that court under the preceding clauſe.

Third.—In trials referred under the preceding Clause to the Court of Foujdary Adawlut, the law officers of that Court shall declare to what punishment the prisoner would have been liable if the act of which he is convicted had been committed as intended by him; and the Court after considering such futwa, with the whole of the circumstances of the case in evidence before them, shall proceed according to the provisions of the general Regulations.

Former proviſions reſpecting kutl-i-khuta to be in force with regard to all caſes of accidental homicide, not otherwiſe provided for by the firſt clauſe of this ſection.

Fourth.—The provisions contained in Clause second, Section XV, Regulation VII, of 1802, regarding kutl-i-khuta and other cases of accidental homicide, are to be considered to be in force as heretofore with regard to all cases of accidental homicide not coming within the intent and meaning of the first Clause of this Section; provided, however, that the Courts of Circuit shall not adjudge any punishment in any such case of accidental homicide, although the diyut should be declared to be payable under the Mohummudan law, if the homicide shall clearly appear to have been committed by misadventure in the prosecution of a lawful act, and without any malignant intention.

V. So much of Clause first, Section III, Regulation VI, of 1811, as relates to the process of "godna," is hereby rescinded.

Part of Clause first, Section III, Regulation VI, of 1811, rescinded.

VI. In modification of the provisions contained in Section XXII, Regulation IX, of 1816, regarding payment of specific rewards, it is hereby enacted, that all specific rewards offered for the apprehension of robbers proclaimed by name, shall be payable on the delivery of the persons so proclaimed to the zillah magistrate by whom the proclamation may have been issued, or to the magistrate in whose jurisdiction they may have been apprehended.

Modification of part of Section XXII, Regulation IX, of 1816

VII. *First.*—Sections II, III, and IV, of this Regulation, shall not be held in force until six months from and after the date of its being enacted and published.

Sections II, III, and IV, of this Regulation, not to be in force until six months from the date of its promulgation.

Second.—The remaining Sections of this Regulation are to be in force from the date of its promulgation.

The remaining Sections of this Regulation to have immediate operation.

A. D. 1818. REGULATION II.

A REGULATION for imposing a Duty on Foreign Salt imported by Sea into any Port or Place within the Limits of the Territories subject to the Presidency of Fort St. George:—Passed by the Governor in Council of Fort St. George, on the 4th March 1818; corresponding with the 23d Mausee of the year Easwarah, 1739th year of Salewagana; and with the 26th Rabusany, 1233 Hijeree.

WHEREAS it has been deemed expedient, with a view to the improvement and security of the public revenue, to impose a duty on foreign salt imported by sea into any port or place within the territories subject to the Presidency of Fort St. George, the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following Rules, to be in force throughout the aforesaid territories, from the period of their promulgation.

Preamble.

II. The provisions of Regulation I, of 1805, so far as they may affect the importation by sea of foreign salt, that is to say, salt made out of the limits of the territories subject to the Presidency of Fort St. George, are hereby rescinded.

Regulation I, of 1805, rescinded, so far as regards the importation of foreign salt by sea.

III. Foreign salt shall on importation by sea, into any port or place within the limits of the said territories, be subject to a duty at the rate of 100 pagodas per garce.

Foreign salt subject on importation by sea to a duty of 100 pagodas per garce.

IV. The aforesaid duty shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government Customs on goods and merchandise imported by sea; subject, however, to the provisions contained in the following Section; and any salt imported or landed in breach of the said rules and provisions shall be forfeited, and the proceeds thereof disposed of under the general rules prescribed in Clause first, Section XX, Regulation I, of 1812, for the division of the amount sales of all confiscated goods; and such salt shall and may be seized as forfeited, by the collector or any of the officers of the Custom-house or Customs, or by any of the officers of Government, to be by them conveyed and deposited in one of the said United Company's warehouses, or other secure place.

Rules under which the aforesaid duty shall be levied.

V. It is hereby declared competent to the collectors of Sea Customs to permit the importers, proprietors or consignees of salt imported as aforesaid, if they be so disposed, instead of paying the duty due and payable thereon, in the manner prescribed generally for the payment of the duties denominated Government Customs on goods and merchandise imported by sea, to deliver it on shore at the Custom-house or such other secure place as the said collectors may appoint, and to secure and lodge it therein without payment of duty in the first instance; provided, however, that salt so lodged shall not be removed until the duty imposed by this Regulation shall be duly paid.

Collectors authorized to allow foreign salt to be landed and secured without payment of duty, in the first instance.

Rules regarding the clearing of ſalt ſo ſecured, and the payment of the duty.

VI. The importers, proprietors or consignees of salt which shall have been lodged or secured as aforesaid, shall within twelve calendar months, to be computed from the date of the production of the manifest at the Custom-house, clear and take from and out of such Custom-houses or places all such salt, and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors or consignees shall fail or neglect so to do, it shall be lawful for the Board of Trade, or such officer as may be duly empowered by them in this behalf, to cause all such salt to be publicly sold or exposed to sale; and after such sale, the produce thereof shall first be applied to the payment of the duty imposed by this Regulation, and the overplus, if any, shall be paid to the proprietor, or other persons authorized to receive the same; provided that no such salt shall be sold, unless a price can be obtained for the same equal at least to the full amount of the duty aforesaid; but if such price cannot be obtained, then all such salt shall be effectually destroyed by and in the presence of such officer as the Board of Trade shall appoint.

A. D. 1818. REGULATION III.

A REGULATION for imposing a Duty on Foreign Opium imported by Sea into any Port or Place within the Limits of the Territories subject to the Presidency of Fort St. George; and on Opium exported by Sea from any Port or Place within the said Limits:—Passed by the Governor in Council of Fort St. George on the 4th March 1818; corresponding with the 23d Mausee of the year Easwarah, 1739th year of Salewagana; and with the 26th Rabusany, 1233 Higeree.

Preamble.

WHEREAS it has been deemed expedient to impose a duty on foreign opium imported by sea into any port or place within the territories subject to the Presidency of Fort St. George, and on all opium exported by sea from any port or place within the said limits, the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following Rules, to be in force throughout the aforesaid territories, from the period of their promulgation.

Clauſe ſecond, Section V, Regulation II, 1812, reſcinded in part.

II. So much of Clause second, Section V, Regulation II, 1812, as defines the duties leviable on opium imported by sea into Madras, is hereby rescinded.

Opium made out of theſe territories liable with the exception ſpecified in the following Section, to a duty of 40 rupees per viſs on importation by ſea.

III. All opium made out of the limits of the territories subject to the Presidency of Fort St. George, with the exception specified in the following Section, shall on importation by sea into any port or place within the limits of the said territories, be subject to a duty at the rate of 40 rupees per viss.

Duty on opium purchaſed at the Company's ſales at Calcutta, and imported at any of the ſubordinate ports.

IV. *First.*—Opium imported into any port subject to the Presidency of Fort St. George, with the exception of the port of Madras, and accompanied by a certificate specifying that it has been purchased at the Company's sales in Calcutta, shall be subject only to the rate of duty prescribed by the Regulations in force, to be levied on goods and merchandise imported by sea.

Duty on opium purchaſed at the Company's ſales at Calcutta and imported by ſea into Madras.

Second.—Opium imported by sea into Madras, accompanied by the before-mentioned certificate, shall be liable to the duty specified for opium in Clause second, Section IX, Regulation III, 1812; and subject to the provisions of Clause third of that Section; provided, however, that all such opium, if intended for re-exportation, shall be liable only to the general rate of duty levied on goods and merchandise imported by sea; and such opium shall be lodged at the Custom-house, under charge of the collector, until it be re-shipped, and shall be entitled, on such re-exportation, to a drawback of two-thirds of the said last-mentioned duty.

Opium not purchaſed at the Company's ſales at Calcutta ſubject to a duty of 40 rupees per viſs on exportation by ſea.

V. All opium, with the like exception of opium purchased at the Company's sales at Calcutta, as specified in the preceding Section, shall on exportation by sea be subject to a duty of 40 rupees per viss.

VI. The

VI. The aforesaid duties shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government Customs on goods and merchandise imported or exported by sea; subject, however, to the provision contained in the following Section; and any opium exported, imported or landed in breach of the said rules and provisions, shall be forfeited, and the proceeds thereof disposed of under the general rules prescribed in Clause first, Section XX, Regulation I, of 1812, for the division of the amount sales of all confiscated goods; and such opium shall and may be seized as forfeited, by the collector or any of the officers of the Custom-house or Customs, or by any of the officers of Government, to be by them conveyed and deposited in one of the said United Company's warehouses, or other secure place.

Rules under which the aforesaid duties shall be levied.

VII. It is hereby declared competent to the collectors of Sea Customs to permit the importers, proprietors or consignees of opium, imported from Europe, if they be so disposed, instead of paying the duty due and payable thereon in the manner prescribed generally for the payment of the duties denominated Government Customs on articles imported by sea, to deliver it on shore at the Custom-house or such other secure place as the said Collectors may appoint, and to secure and lodge it therein without payment of duty in the first instance; provided, however, that opium so lodged shall not be removed until the duty imposed by this Regulation shall be duly paid.

Collectors authorized to allow opium imported from Europe to be landed and secured without payment of duty in the first instance.

VIII. The importers, proprietors or consignees of opium which shall have been imported from Europe, lodged or secured as aforesaid, shall within twelve calendar months, to be computed from the date of the production of the manifest at the Custom-house, clear and take from and out of such warehouses or places all such opium, and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors or consignees shall fail or neglect so to do, it shall be lawful for the Board of Trade, or such officer as may be duly empowered by them in this behalf, to cause all such opium to be publicly sold or exposed to sale; and after such sale, the produce thereof shall first be applied to the payment of the duty imposed by this Regulation, and the overplus, if any, shall be paid to the proprietors or other persons authorized to receive the same; provided that no such opium shall be sold unless a price can be obtained for the same equal at least to the full amount of the duty aforesaid, but if such price cannot be obtained, then all such opium shall be effectually destroyed by and in the presence of such officer as the Board of Trade shall appoint.

Rules regarding the clearing of opium so secured, and the payment of the duty.

A. D. 1818. REGULATION IV.

A REGULATION prescribing Rules for the assessment and collection of the Veesabuddy or Tax upon the Profits of Trade, in the Provinces known by the appellation of the Ceded Districts, or the Zillahs of Bellary and Cuddapah:—Passed by the Governor in Council of Fort St. George on the 15th May 1818; corresponding with the 4th Chittra of the year Bahoodauneah, 1740th year of Salewagana; and with the 8th Jamadeussany, 1233 Higeree.

WHEREAS it has been considered expedient that the settlement of the land revenue in all the provinces subordinate to this Presidency, should be made exclusively of certain taxes, which though hitherto classed and collected therewith, are not derived from the land, but are paid by merchants, tradesmen, artisans and others, and therefore cannot with propriety be considered as belonging thereto; and whereas the separation of these taxes from the land revenue has taken effect in the provinces known by the appellation of the ceded districts, and reports have been received which enabled the Government to provide for the due assessment and collection of the veesabuddy or tax upon the profits of trade, under the provisions of a Regulation prepared as prescribed in Section II, Regulation I, A. D. 1802; wherefore the following rules have been enacted by the Governor in Council, to take effect and be in force in the ceded districts from and after the date of their promulgation.

Preamble.

The veesabuddy declared to be payable by all merchants, tradesmen and others engaged in any mercantile concern.

II. The veesabuddy, or tax upon the profits of trade, as distinguished from the mohturfa, or tax upon the profits of persons exercising manual arts or professions, is declared to be payable by all merchants, traders, shopkeepers, retail dealers, agents of foreign merchants, or others engaged in any mercantile adventure or concern.

The amount of the veesabuddy to be assessed on each zillah how to be determined.

III. *First.*—The aggregate amount of the veesabuddy to be assessed on each province or zillah of the ceded districts, shall be determined by the Governor in Council, and shall be regulated as heretofore, with reference to the accounts of exports and imports, the population, the produce and consumption, and the usual profits of trade, combined with a consideration of the general circumstances of the several descriptions of persons liable to the payment of the tax.

The aggregate assessment not to exceed 10 per cent on the income of the contributors.

Not to be altered oftener than once in five years.

Second.—The aggregate amount to be assessed on each zillah shall be calculated so as not to exceed ten per cent. upon the aggregate income or gains of the whole body of contributors, according to the best estimate which it may be possible to form from the data above-mentioned; and the amount, when fixed, shall not be liable to alteration oftener than once in five years.

The aggregate assessment may nevertheless be revised and modified, provided it be not increased, and may be imposed gradually, instead of being laid on at once.

Third.—The provision contained in the latter part of the last Clause shall not be considered as precluding the Governor in Council from authorizing a revision or modification of the aggregate assessment during the above-mentioned period of five years, provided that the amount be not increased; and it is also to be understood, that the Governor in Council is at liberty to cause the assessment to be raised gradually to the ultimate standard amount, instead of imposing the whole at once, if such a course of proceeding should be deemed expedient.

The quota to be assessed on each talook how to be determined.

IV. The quota, or proportion of the aggregate assessment to be imposed on each talook of the respective zillahs shall be regulated by the collectors, under the orders and subject to the approval of the Board of Revenue.

The distribution of the talook assessment how to be regulated.

V. The partition or distribution of the amount of the talook assessment among individuals, shall be regulated annually by the whole body of contributors, or persons in the talook subject to the payment of the tax.

Merchants and others liable to payment of the veesabuddy to be summoned annually to the talook cutcherry.

VI. *First.*—In pursuance of the provision contained in Section V, the merchants, traders, shopkeepers, retail dealers, agents of foreign merchants, and others liable to contribute to the veesabuddy, shall be summoned to assemble, as soon after the commencement of each Fusly year as may be convenient, at the cutcherry of the tahseeldar of the talook in which they reside, due notice of not less than fifteen days being given of the time appointed for the meeting.

Course to be pursued in case of the non-attendance of the parties summoned, or in case of their departure without cause, before the distribution of the assessment has been adjusted.

Second.—If any person liable to the payment of the tax should not appear at the cutcherry of his talook within five days after the time appointed, unless prevented by sickness or other sufficient cause; or if any person, after appearing, should withdraw himself or depart before the business is finally adjusted, unless compelled by sickness or other sufficient cause, such person's proportion of the assessment or contribution shall be fixed by the other persons present, in the same manner as if he himself had been present; and he shall lose the benefit of the appeal allowed by Section VIII. of this Regulation. In case also of non-payment of the tax, the amount shall be recovered from him in the manner hereinafter prescribed for the recovery of arrears of veesabuddy; and moreover, if it should be satisfactorily proved that such person refused to appear, or appearing, departed with a view to obstruct the public business, or to throw impediments in the way of the settlement and adjustment of the tax, he shall be liable to such moderate fine (not exceeding one hundred rupees) as upon investigation of the case it may be judged advisable by the collector to impose; the fine so imposed to be recovered in the manner hereinafter prescribed for the collection of arrears of veesabuddy.

Absentees, without satisfactory cause assigned for their absence, liable to be fined.

Persons unable to give their personal attendance may appoint vakeels.

Third.—Nothing contained in the above Clause is intended to prevent any person from appointing a vakeel to act for him, in the event of his being prevented, by sickness or any necessary avocation, from giving his personal attendance, or (having attended) in the event of his being obliged, by similar causes, to leave the cutcherry before the settlement of the tax is finally adjusted. In such cases, the person appointed to act as vakeel shall be furnished by his principal with a vakalutnama under his seal and signature, which vakalutnama, being presented to the tahseeldar, shall be filed on the records of the cutcherry, and the vakeel so appointed shall be allowed to act in every respect as if he were principal.

VII. *First.*

VII. *First.*—All disputes which may arise among the parties liable to contribute to the veesabuddy in regard to the veesees or shares to be assessed on individuals, shall be decided by referees or arbitrators, in number not less than four nor more than eight, of whom one half shall be nominated by the party disputing the correctness of the amount proposed to be assessed on him, and the other half by the other party concerned in the reference.

Disputes among individuals regarding the partition of the assessment how to be decided.

Second.—Each party shall have a right to challenge peremptorily the referees nominated by the other party; and the referees so challenged shall be set aside and others nominated in their stead. The challenges of each party shall be limited to four, six or eight, according as the number of referees nominated by each under the provisions of the preceding Clause of this Section shall be two, three or four; that is to say, the challenges of each party shall be limited in every case to the number of which the arbitration is to consist; and if in any case the challenges of either party shall amount to that number, the selection of referees for the decision of the question at issue between the parties shall devolve upon the tahseeldar, whose duty it shall be to take especial care that the persons whom he may nominate for this purpose be totally unconnected with either party. The decision given by the referees so appointed by the tahseeldar shall be equally valid as if it had been given by referees nominated by the parties.

Each party allowed to challenge peremptorily the referees nominated by the other. The number of challenges limited

Course to be pursued when the challenges of either party amount to the number limited.

Third.—In case the votes of the referees upon the question referred for their decision shall be equally divided, and it shall be necessary to appoint an umpire, the tahseeldar shall nominate three respectable persons totally unconnected with either party; and the parties shall each be required to reject one of the persons so named, leaving the other to act as umpire, who shall determine the question.

When votes of the referees are equally divided, an umpire to be appointed.

The mode of appointing an umpire.

VIII. *First.*—An appeal from the decision of the referees, on any matter whatever connected with the assessment of the veesabuddy, shall lie to the collector, whose especial duty it shall be minutely and carefully to investigate the grounds upon which such decision may have been made, and he shall confirm, reverse or cause a revisal of the decision, according as the case may in his judgment appear to require.

An appeal to lie to the collector from the decisions of the referees.

Second.—Every appeal to the collector from the decision of referees shall be presented in the first instance to the tahseeldar of the appellant's talook, within three days from the date on which the decision may have been passed, and no appeal shall be received at a later period, unless a full and sufficient reason for the delay be made to appear. The tahseeldar shall grant written receipts to the appellants for all petitions of appeal which may be presented to him, and shall transmit the said petitions to the collector on the same day on which they may be received.

In what manner the appeal is to be made.

Third.—The decisions which under Clause first of this Section may be passed by the collector on petitions of appeal, transmitted to him agreeably to the provisions of Clause second of this Section, shall be endorsed by the collector on the petitions, together with the grounds of the decisions so passed; and such endorsements shall be attested by the collector's official signature.

The collector's decision to be endorsed on the petition of appeal.

IX. *First.*—In cases of corruption, fraud or contrivance, whereby persons may have procured their share of the assessment to be reduced below its just amount, it shall be competent to the party or parties aggrieved by such unjust reduction, to bring the matter by petition under the cognizance of the collector. The petition shall contain a distinct statement of the circumstances of the case, and to it shall be subjoined a list of the witnesses and of the documents by which it is proposed to establish the allegations preferred by the petitioner. The collector shall attentively consider the facts stated, and the nature of the evidence offered in support thereof, and if he shall be of opinion that the matter is deserving of investigation, he shall admit the petition.

Course to be pursued in cases of corruption, fraud or contrivance, whereby the quota payable by an individual is reduced below its just amount.

Second.—On admitting a petition under the foregoing Clause, the collector shall immediately summon before him the person or persons accused of the corruption, fraud or contrivance. In cases where the share of the veesabuddy charged to have been reduced below its just amount, shall have been settled by referees under the provisions of Section VII. of the Regulation, it shall be the duty of the collector to go into a minute examination of the complaint preferred by the petitioner, hearing the evidence which both parties may have to adduce. But in cases wherein the share objected to may not have been settled in the first instance by referees, the collector shall, with the consent of both parties, and not otherwise, refer the matter for decision to referees or arbitrators to be chosen under the provisions of Section VII. of this Regulation, and subject to the same rules.

Course to be pursued by the collector on admitting a petition in this case.

Course to be pursued when the collector considers the corruption, fraud or contrivance to be proved.

Third.—If on examination of the case; or on consideration of the award of the referees, when that mode of adjudication may be resorted to, the collector shall be of opinion that the corruption, fraud or contrivance charged is satisfactorily established, he shall declare another apportionment of the assessment, and shall have authority to levy a fine, not exceeding one hundred rupees, from the party or parties guilty of the acts charged, whether they be the persons benefiting by the previous undue apportionment of the assessment, or the referees by whom that apportionment was made.

No time limited for presenting petitions of this nature.

Fourth.—The time for presenting petitions of the nature described in Clause first of this Section is not limited, but it shall be incumbent upon the petitioner to show, to the satisfaction of the collector, that he has preferred his complaint as soon as practicable after his detection of the artifices by which he considers himself to be aggrieved.

An appeal to lie from the decision of the collector to the Board of Revenue.

The appeal how to be made.

X. *First.*—Persons who may consider themselves aggrieved by the decision of the collector, shall be at liberty to appeal therefrom to the Board of Revenue. The petition of appeal shall be presented to the collector, accompanied by the petition bearing the collector's endorsement, as prescribed in Clause third of Section VIII. and the collector shall forward the same immediately to the Board of Revenue: it is, however, provided, that no person shall be entitled to appeal to the Board of Revenue, unless his petition of appeal be presented to the collector within thirty days after the delivery of the collector's decision on the case, or unless he assign good and sufficient reason for the delay.

An appeal to lie to the Board of Revenue against fines imposed by the collector exceeding 25 rupees.

Second.—An appeal, subject to the rules prescribed in the preceding Clause, shall also lie to the Board of Revenue, against the imposition of any fines, exceeding the sum of twenty-five rupees, levied by the collector under this Regulation.

Parties appealing to the Board of Revenue may appoint vakeels.

Third.—The party appealing to the Board of Revenue shall not be required to appear in person to prosecute his appeal, but shall be at liberty to constitute a vakeel for that purpose.

Course to be pursued by the Board of Revenue in cases of appeal from the decision of the collectors.

XI. The Board of Revenue, after a careful investigation of the grounds upon which the decision of the collector may be founded, shall confirm, reverse or cause a revisal thereof, as the case may in their judgment appear to require; and their decision shall be final.

Rules to be observed after the partition of the assessment shall have been finally adjusted.

XII. After the adjustment of the several veesees or shares payable by individuals shall have taken place, in the manner prescribed, a general statement, signed by the principal merchants, &c. of each village, shall be given in to the tahseeldar, who shall forward it to the collector, when the total amount of the tax payable by the talook, will be assessed in detail according thereto, and a puttah, under the seal and signature of the collector, delivered to each person, stating the sum which he is to pay, and the proportion which it bears to the total talook assessment.

Course to be pursued in the collection of the veesabuddy tax, and for the recovery of arrears.

XIII. The collection of the revenue derived from the veesabuddy tax, shall be made in the same manner as the collection of the land revenue; and in the event of any coercive process being necessary for the recovery of arrears of that tax, or for the recovery of the fines which by this Regulation the collector is authorized to impose, the collector shall proceed against the defaulter by distraint and eventual imprisonment, in the same manner as is prescribed by the Regulations for the recovery of arrears of land revenue.

A. D. 1818. REGULATION V.

A REGULATION for rescinding Regulation I, A. D. 1814, and abolishing the Zillah Court of Guntoor:—Passed by the Governor in Council of Fort St. George on the 23d May 1818; corresponding with the 12th Vyasee of the year Bahoodauneah, 1740th year of Salewagana; and with the 16th Rajub, 1233 Hijeree.

Preamble.

THE Regulations lately enacted having rendered a separate Court of Judicature at Guntoor no longer necessary, the Governor in Council has enacted this Regulation, to be in force from the 1st day of August next ensuing.

II. Regulation

II. Regulation I, A. D. 1814, is rescinded. Regulation I, 1814, rescinded.

III. *First.*—The jurisdiction which was exercised under such parts of Clauses first and third, Section V, Regulation IX, A. D. 1808, as were rescinded by Section II, Regulation I, A. D. 1814, is declared to be revived. Guntoor placed under the jurisdiction of the zillah court at Masulipatam.

Second.—All suits which may be depending before the Zillah Court of Guntoor at the end of the month of July, shall be transferred, together with the papers and other documents connected therewith, to the Zillah Court of Masulipatam, and the Judge of that zillah is empowered to proceed on the trial of the same, in like manner as if they had been originally instituted in his Court. Suits pending to be transferred as they stand.

A. D. 1818. REGULATION VI.

A REGULATION empowering Commissioners appointed to institute certain Inquiries into the Conduct of the Servants of Government, European and Native, to take Evidence on Oath; and rendering the violation of such Oath liable to the Penalties of Perjury:—Passed by the Governor in Council of Fort St. George, on the 12th August 1818; corresponding with the 30th Audee of the year Bahoodauneah, 1740th year of Salewahan; and with the 9th Ramzan, 1233 Hijeree.

WHEREAS it may be expedient or necessary that the general previous inquiry, for which provision is made in Section V, Regulation III, A. D. 1809, and in Section V, Regulation II, A. D. 1810, should be conducted by a Commissioner or Commissioners specially appointed for that purpose; and whereas it is essential to the discovery of truth in most cases that the Commissioner or Commissioners, to whom the duty of conducting such an inquiry is committed, should be authorized to examine upon oath the witnesses having, or being supposed to have, a knowledge of the facts to be investigated, and moreover that witnesses should be compellable to give evidence on oath before such Commissioner or Commissioners, and that the wilful and corrupt breach of an oath taken before such Commissioner or Commissioners should subject the offender to the penalties to which the crime of perjury is liable; and whereas it is proper that the same provisions should extend to all other inquiries ordered by Government into the conduct of any of its servants, whether European or Native, the Governor in Council has passed this Regulation, to be in force from the date when it is promulgated. Preamble.

II. *First.*—It shall (under the special authority of Government for that purpose) be competent to any Commissioner now or hereafter appointed by Government to conduct any inquiry into the conduct of any of its servants, European or Native, to examine upon oath the witnesses having, or being supposed to have, a knowledge of the facts to be investigated. A commissioner, specially authorized to do so, may take evidence on oath.

Second.—Provided, however, that in all cases wherein such special authority is granted to any such Commissioner, he shall, before exercising the same, have taken and subscribed the following oath, before any person commissioned by the Governor in Council to administer the same: The commissioner himself, in such case to take a certain oath.

"I, *A. B.* appointed a Commissioner under the provisions of Regulation VI, A. D. 1818, do hereby solemnly swear, that I will faithfully and impartially perform the duty committed to me, without fear, favor or bias, to the best of my ability, knowledge and judgment. So help me God."

III. If any witness duly summoned shall not attend, or shall refuse to be sworn, or to give evidence, or to subscribe his deposition, provided in all cases that such evidence shall not tend to criminate himself, he shall be sent to the Judge of the Zillah Court, to be confined, as prescribed by the Regulations in similar cases in the several Courts of Judicature. Witnesses compellable to give evidence, unless they would thereby criminate themselves.

IV. The wilful and corrupt breach of the oath taken before any such Commissioner, in virtue of Section II, of this Regulation, shall subject the offender to the same penalties to which the crime of perjury, as defined in Section XL, Regulation, VII, of 1802, is liable; of which the Commissioner or Commissioners, before whom the oath is administered shall previously apprize the witness. Breach of oath liable to the penalties of perjury.

A. D. 1818. REGULATION VII.

A REGULATION for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed for admitting Persons of certain descriptions to sue in the Courts of Civil Judicature as Paupers:—Passed by the Governor in Council of Fort St. George on the 3d November 1818; corresponding with the 20th Arpesee of the year Bahoodauneah, 1740th year of Saliwahn; and with the 3d Mohurrum, 1234 Hijeree.

Preamble.

WHEREAS it has been deemed expedient to modify the rules now in force for admitting persons of certain descriptions to sue in the Courts of Civil Judicature as paupers, those rules having been found to facilitate the institution of groundless and litigious suits; and whereas it is desirable to reduce into one Regulation the whole of the provisions relative to persons admitted to sue as paupers, the following Regulation has been enacted, to be in force from the 1st January 1819, throughout the whole of the provinces subject to the Presidency of Fort St. George.

Reſciſſions.

II. Regulation XIV, of 1802, and Sections XXXIV, and XXXVI, of Regulation VII, of 1809, are hereby rescinded.

Certain perſons may ſue as paupers before the European courts.

III. Persons unable, by reason of their poverty, to defray the expenses of a law suit, shall be admitted to sue as paupers before the several Zillah and Provincial Courts, and the Sudder Adawlut, under the rules and subject to the restrictions hereinafter specified.

Limitations of pauper ſuits.

IV. *First.*—No persons shall be admitted to sue as paupers under this Regulation, if the cause of action shall not exceed eighty rupees, or if the claim be for damages on account of slander, abusive language, assault or personal injury, or for the recovery of pecuniary penalties incurred by any breach of the Regulations.

Pauper ſuits not referrible to native judicatories.

Second.—Judges are prohibited from referring pauper suits to be tried by any native judicatories.

Rules for the admiſſion of paupers to inſtitute original ſuits.

V. *First.*—Every person desirous of being admitted to plead as a pauper in an original suit, shall submit his application under the following rules:

A ſtatement of the cauſe of action to be drawn out by a vakeel of the court, with his opinion of the merits of the ſuit.

Second.—The applicant shall address himself to one of the constituted vakeels of the Court in which he is desirous of suing, and the vakeel, if he be willing to undertake the conduct of the suit, shall draw out a statement, containing a declaration of the nature, extent and grounds of the demand, and the names of the persons intended to be sued. This statement shall be signed by the applicant, and shall have annexed to it a declaration, to be signed by the vakeel, that he has attentively considered the applicant's case, and has carefully perused the documents produced to him in support of it, and that he is of opinion that the suit is (or is not) sustainable.

If the vakeel declare the ſuit not ſuſtainable, petition to be rejected.

Third.—If the opinion of the vakeel shall be that the case is not sustainable, the Court shall reject the application, leaving the applicant at liberty to sue in the regular mode, and such rejection shall be final.

If the vakeel declare the ſuit to be ſuſtainable, applicant to preſent a declaration on oath, with a ſchedule of property.

Fourth.—If the opinion of the vakeel shall be that the case is sustainable, the applicant shall present to the Court a declaration according to the form in the Appendix (A.) having annexed to it a true and perfect schedule of the property, real and personal, of which he is possessed, with the value thereof. The declaration and schedule shall be subscribed by the applicant, and shall be read in open Court, and sworn to by the said applicant: Provided always, that such persons as are by the customs and usages of the country exempted from taking oaths shall be permitted to make the usual solemn affirmation, instead of the oath hereby appointed. And if any person taking the oath or affirmation hereby appointed, shall thereby commit wilful perjury, and shall be convicted thereof, such offender shall incur the penalties directed by the Regulations to be inflicted for the crime of perjury.

Perſons ſwearing falſely in ſuch matters, declared liable to the penalties of perjury.

Proceedings for the admiſſion of the ſuit.

Fifth.—After the declaration and schedule shall have been sworn to, the Court shall fix a day, on which they will admit the applicant to institute his suit as a pauper, unless good cause shall be then shown against his admission. The day to be so fixed shall be sufficiently distant to admit of the production of evidence by the party

party complained against, to invalidate the statement of the applicant. And the Court shall, immediately after filing of the statement and schedule, cause a copy thereof to be affixed in some conspicuous place in the Court-room, and shall issue a notice to the person complained against, which notice shall contain the nature and amount of the demand, and the day on which the applicant will be admitted to enter his suit as a pauper, unless good cause be shown to the contrary.

Unleſs the applicant's ſtatement or ſchedule be invalidated.

Sixth.—It is hereby declared competent to the vakeel, who has drawn out the application, as well as to the person intended to be sued, to show cause against the applicant being admitted to the benefit of the pauper Regulation.

The plea of poverty may be oppoſed by the applicant's vakeel and by the perſon complained againſt.

Seventh.—Objections to an alleged plea of poverty shall be written on stampt paper of the value prescribed by Section X, Regulation XIII, of 1816. The names of the witnesses, who are to prove facts alleged in such objections, are to be mentioned therein; and if the witnesses so named are not in attendance, the Court are to summon them on an early day.

Objections to the admiſſion of paupers to be written on ſtampt paper.

Eighth.—Nothing in this Section shall be construed to render it imperative on women, or others of such rank and cast, as are by the usages of the country exempted from appearing in Courts of Justice, to appear therein for the purpose of qualifying as paupers; but such persons may appear by an accredited agent.

Women of rank may appear by accredited agents.

Ninth.—On the day fixed, the Court shall proceed to hear and determine upon all objections that have been entered by the party intended to be sued, or by the vakeel retained by the applicant, either especially to the truth of the schedule exhibited by the applicant, or generally to his admission to the benefit of the pauper Regulation; and the decision thereon by the Court competent to admit the application of the person, desirous to sue as a pauper, shall in all cases be final.

Rule for hearing and determining upon objections to the alleged poverty of the applicant.

Tenth.—If no objections are made to the admission of the applicant to sue as a pauper, or if the objections made shall be deemed insufficient, the Court shall take into consideration the amount and value of the property sworn to, and if they are of opinion that the applicant could not defray the probable costs of suit without being reduced to great distress, they are to admit him to institute his suit as a pauper.

Under what circumſtances perſons may be admitted to ſue in forma pauperis.

VI. Every person admitted to sue as a pauper, shall, before he be permitted to file any pleading, find two good and sufficient sureties for his appearance, whenever his attendance may be required by the Court. The security bonds shall correspond with the Form (B.) prescribed in the Appendix of this Regulation.

Perſons admitted to ſue as paupers, to find good security for their appearance.

VII. *First.*—The stamp duty which has been substituted for the institution fee of Regulation XIII, of 1816, shall not be required from persons who may be admitted to sue as paupers. The plaint, reply or other pleadings on the part of the pauper, as well as applications on his part for receiving exhibits and summoning witnesses, may be written on unstampt paper. The notice to the defendant, the summons for witnesses, and other processes on the part of the pauper, shall be served through the peons on the establishment of the Courts, without any expense to the pauper; and the copy of the decree, as well as copies of orders or proceedings which he may be required to take, shall be furnished to a pauper on unstampt paper.

Stamp duties not required from paupers.

On what paper their proceedings are to be written.

And how process to be iſſued and ſerved.

Second.—Whenever it shall appear to the Court before whom a pauper suit is depending, that a witness, whose evidence may be considered to be material to the issue of such suit, is unable to defray the expenses necessary to his appearing before the Court, they are empowered to direct the payment to such witness of such necessary and reasonable expenses as may be incurred in his attendance before the Court, and to charge the same in their monthly abstract.

Proviſion for defraying at the public charge the reaſonable expenſes of witneſſes neceſſary to the ſuit, but unable to pay their own charges.

Third.—On the conclusion of the suit, the Court shall calculate the whole of the costs which would have been incurred by the plaintiff on account of the several stamp duties prescribed by Regulation XIII, of 1816, and other legal expenses, had he not been permitted to sue as a pauper, and shall charge the same in the decree to the party cast, or to the parties respectively, in such proportions as may be deemed equitable.

Coſts how to be charged in the decree.

VIII. Whenever a Court before whom a pauper shall have instituted a suit shall by their decree declare the said suit to be vexatious or litigious, it shall be competent to that Court to adjudge that the said pauper do pay a fine not exceeding 200 rupees, and be imprisoned until such fine shall be paid, provided the time of imprisonment

Litigious paupers may be fined and impriſoned.

do not exceed six months, at the end of which period, or of such shorter period as the said Court may have fixed in commutation for the said fine, the pauper shall be released: Provided always, that no sum shall be received in payment of the said fine until the whole of the fees and costs of suit, which may have been decreed against the said pauper, shall have been paid.

Proviſo.

Coſts to be recovered from paupers if property is at any time diſcovered belonging to them.

IX. *First.*—The Courts are empowered and directed to proceed for the recovery of any costs decreed against a pauper, by attachment and sale of any property which may, at any time after the passing of their decree, be discovered to belong to the said pauper.

Forfeited ſecurity how to be recovered.

Second.—Courts are empowered to proceed for the recovery of any sums due by the securities of a pauper under the terms of the security bonds, in the same mode as they are directed to proceed in executing decrees of Court.

An appellant deſirous to proceed as a pauper how to proceed.

X. *First.*—Whenever a pauper plaintiff, against whom a decree has been passed, may desire to appeal therefrom, he shall address himself to one of the vakeels of the Court, competent to admit the appeal; and the vakeel, if he be willing to undertake the conduct of the appeal, shall draw out a petition setting forth the specific grounds on which the appeal is preferred, and shall present the said petition within the period prescribed for the admission of regular appeals, together with a copy of the decree appealed from.

Under what circumſtances an appellant may be admitted as pauper.

Second.—If the Court shall be of opinion that an appeal is necessary to correct any error or omission in the original decree, or is otherwise requisite for the ends of justice, they shall admit the appeal on the appellant's producing good and sufficient security for his appearance as prescribed in Section VI, and shall proceed in the investigation under the general rules of appeal; but if the appeal shall not appear to be necessary for the ends of justice, the Court shall reject the petition; and such order of rejection shall be final: Provided, however, that such order of rejection shall not bar the said plaintiff's right to appeal on fulfilling the regular conditions of appeal under the Regulations relative to payment of stamp duties and fees.

A pauper plaintiff in an original ſuit not required to prove poverty if admitted to appeal.

XI. Inasmuch as a pauper plaintiff in whose favour a decree may have passed, will be unable to obtain execution of the said decree pending an appeal, the Court to whom an appeal may be preferred by an original defendant, will admit the original plaintiff to defend the appeal as a pauper without further investigation.

Courts may aſſign vakeels to paupers.

XII. Courts are hereby empowered to assign one of their constituted vakeels to act on behalf of any person to present his original application or his petition of appeal, or to prosecute any original suit, or to conduct the prosecution or defence of any appeal under the provisions of this Regulation.

To what caſes the proviſions of this Regulation are applicable.

XIII. It is hereby declared, that the rules contained in this Regulation are intended to apply to regular suits and appeals only, and not to summary suits or summary appeals of any description. Neither are they intended to apply to pauper suits which may have been instituted either originally or in appeal previously to the promulgation of this Regulation; such pauper suits and appeals are to be tried and determined in conformity with the rules heretofore in force.

APPENDIX.

(A.)

"I, solemnly swear, that the several allegations contained in the foregoing declaration are true, in substance and matter of fact, and that the schedule annexed contains an account of the whole of my real and personal property, and that I have not transferred, by sale, mortgage or otherwise, any property before possessed by me, for the purpose of being admitted to sue as a pauper.

"So help me GOD."

(B.)

"WHEREAS a suit has been instituted in the Court of by pauper plaintiff, against defendant, and whereas I, inhabitant of have voluntarily become security for the appearance of the said

said plaintiff, whenever his attendance may be required, until the final decree on the suit shall have been carried into execution; I do therefore hereby engage and bind myself, my heirs and successors, that the said plaintiff shall appear in person, or by an accredited agent, whenever his attendance may be required at any time, while the above suit is depending before the said Court, or before the final decree which may be passed thereupon shall be fully and completely executed; in default whereof, and in the event of my not producing the said plaintiff when called upon, I will be answerable for such sum as may be adjudged against him, and for the performance of whatever order or decree may be passed against him on the suit above-mentioned."

A. D. 1818. REGULATION VIII.

A REGULATION prescribing the Rules under which Appeals may be preferred to The King's Most Excellent Majesty in his Privy Council, from the Decisions of the Court of Sudder Adawlut at Fort St. George:—Passed by the Governor in Council of Fort St. George on the 3d November 1818; corresponding with the 20th Arpesee of the year Bahoodauneah, 1740th year of Saliwahn; and with the 3d Mohurrum, 1234 Hijeree.

Preamble.

THE Governor General in Council having relinquished the authority hitherto exercised by him of receiving appeals from the decrees of the Court of Sudder Adawlut of Fort St. George, it is necessary to repeal the provisions of the Regulations which regard such appeals: and it is further necessary to declare the rules, under which appeals to The King's Most Excellent Majesty in his Privy Council may be preferred from the decrees of the said Court of Sudder Adawlut: the Governor in Council has therefore enacted the following rules for that purpose, to be in force from the date of their promulgation.

Rescissions.

II. Sections XXXI, XXXII, XXXIII, XXXIV, XXXV and XXXVI, Regulation V, of 1802, such part of Clause first, Section XXII, Regulation XIII, of 1816, as relates to the value of the stampt paper on which copies of proceedings in appeal to the Governor General in Council shall be prepared, and generally all rules providing for, or directly relating to, appeals from the decisions of the Sudder Adawlut at Fort St. George to the Governor General in Council, are hereby rescinded.

Petitions of appeal to the King in Council shall be presented to the Sudder Adawlut within six months.

III. All persons desirous of appealing from a judgment of the Court of Sudder Adawlut to the King in Council, are required to present their petition of appeal to the said Court of Sudder Adawlut, either in person, or through one of the pleaders of that Court, within six calendar months from the date on which the judgment appealed against may have been passed.

The court may either order their judgment to be carried into execution, taking security from the party in whose favour the decree may have been passed, to abide the event of the appeal—or

suspend the execution, taking the like security from the party left in possession.

Appellants in all cases to give security for payment of costs and for the performance of the final order or judgment on the appeal.

IV. The Court of Sudder Adawlut may either order the judgment passed by them to be carried into execution, taking sufficient security from the party in whose favour the same may be passed, for the due performance of such order or decree, as His Majesty, his heirs or successors, shall think fit to make on the appeal; or suspend the execution of their judgment during the appeal, taking the like security in the latter case from the party left in possession of the property adjudged against him: but in all cases security is to be given by appellants, to the satisfaction of the Sudder Adawlut, for the payment of all such costs as the said Court may think likely to be incurred by the appeal, as well as for the performance of such order or judgment as His Majesty, his heirs or successors, may think fit to give thereupon; and after receiving such security, the Court of Sudder Adawlut are to declare the appeal admitted, and to give notice thereof to the appellant and respondent respectively, that they may take measures, the one to prosecute, the other to defend, the cause in appeal before His Majesty in his Privy Council, according to the established mode of proceeding in similar cases.

Appeals to be declared admitted on receiving such security, and notice to be given to the parties to prosecute and defend the same according to the established mode of proceeding.

In all cases of appeal, two copies of all proceedings to be prepared in English and transmitted under the official seal and signature of the register to the Governor in Council, to be forwarded to His Majesty in Council.

The parties also to be furnished with copies of the proceedings on application, provided they agree to pay the expense of preparing the same.

V. In all cases wherein the Sudder Adawlut may admit an appeal to the King in Council, they are to cause two exact copies to be made of all the proceedings held and judgments or orders given in the case appealed, including the whole of the evidence and documents, (translated into English, if the original documents be in any of the country languages,) and are to transmit the same as soon as prepared, under their official seal and the signature of their Register, to the Governor in Council, for the purpose of being forwarded by the first secure and separate conveyances to His Majesty in Council. The Register, to the Sudder Adawlut shall also, on the application of the appellant or respondent, furnish him or them with one or more copies of the proceedings held, and judgments or orders passed on the case appealed; provided, however, that the parties on whose application the copies hereinbefore mentioned shall be made, whether for transmission to His Majesty in Council, or for delivery to the parties themselves, shall respectively agree to defray such expense as may be incurred thereby, but not otherwise. And the Register is not to transmit the copies, when prepared, to the Governor in Council for the purpose above stated, nor to deliver to parties copies prepared for their use respectively, without the previous payment of the expense incurred thereby; the amount of which is to be carried to the credit of Government, by whom the necessary expenditure on this account will be made in the first instance.

Copies of any local Regulation under which the judgment may have been passed, and which may have been referred to, to accompany the proceedings.

VI. In case the judgment appealed from shall have been passed in pursuance of any local Regulation or Regulations enacted by the Governor in Council, or in case any such Regulation shall have been referred to in the judgments passed by any of the Courts wherein the cause appealed from may have been tried and decided, a copy of such Regulation or Regulations, or an extract therefrom, containing all that has reference to the matter at issue, shall be annexed to the several copies of the proceedings prepared in conformity to the preceding Section, whether for delivery to the parties or for transmission to His Majesty in Council.

A. D. 1818. REGULATION IX.

A REGULATION for rescinding such part of Section XLI, Regulation XI, of 1816, as may be construed to restrict the authority of Assistant Magistrates to the Towns in which they may be deputed to reside:—Passed by the Governor in Council of Fort St. George on the 11th December 1818; corresponding with the 28th Kaurtekye of the year Bahoodauneah, 1740th year of Salewahan; and with the 11th Suffer, 1234 Hijeree.

Preamble.

WHEREAS inconvenience has arisen from the restriction which, by Section XLI, Regulation XI, 1816, is imposed on the discretion to be exercised by magistrates in delegating authority to their assistants, such authority being expressly limited to the jurisdiction of the town in which the said assistants may be deputed to reside; and whereas it has been judged expedient to remove this restriction, and to authorize magistrates to make over the whole or any part of their duty as magistrates to their assistants and to depute them to hold their offices in any part of their zillahs which may be deemed proper; the following Rules have been enacted.

Part of Section XLI, Regulation XI, of 1816, rescinded, and magistrates authorized to delegate to their assistants the whole or any part of their duty.

II. Such part of Section XLI, Regulation XI, 1816, as may be construed to restrict the authority of assistant magistrates to the towns in which they may be respectively deputed to reside, is hereby rescinded, and zillah magistrates are hereby declared to be authorized to delegate to their assistants the whole or any part of their duty as magistrates and to depute them to hold their offices in any of the districts within their several jurisdictions which may be deemed proper.

III.

REGULATIONS

Passed by the Governor in Council of *Bombay*, in the Year 1818.—No. I to VIII.

And Rule, Ordinance and Regulation I.

A. D. 1818. REGULATION I.

A REGULATION for imposing a Duty on all Opium made out of the Limits of the Territories immediately dependent on the Presidency of Fort William, imported or brought into any Port or Place within the Limits of the Territories dependent on the Presidency of Bombay:—Passed by the Right honourable the Governor in Council on the 2d January 1818; corresponding with the 10th of Magseer Vud, Vickramajet or Sumbut era 1874; Salbahan 1739; and 24th of Suffer, 1233 of the Hijree.

Preamble.

WHEREAS it has been deemed expedient, with a view to the improvement and security of the public revenue, to impose a duty on all opium not made within the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay; the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force throughout the aforesaid territories from the period of their promulgation.

All opium, excepting that made within the limits of the territories immediately dependent on the presidency of Fort William, subject to a duty of twelve rupees per Surat seer.

II. All opium, excepting opium made within the limits of the territories immediately dependent on the Presidency of Fort William, shall, on being imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay, be subject to a duty at the rate of twelve rupees per Surat seer.

Mode of levying the duty above-mentioned.

III. The aforesaid duty shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government Customs, on goods or merchandises imported by sea; subject, however, to the provision contained in the following Section: and any opium imported or landed in breach of the said rules and provisions shall be forfeited; two third parts to the said United Company, and one third part to the person or persons who shall seize, inform and sue for the same; and shall and may be seized as forfeited, by the collector or any of the officers of the Custom-house or Customs, to be by them conveyed and deposited in one of the said United Company's warehouses or other secure place.

Opium liable to forfeiture on breach of the rules contained in this Regulation.

Option granted to proprietors to lodge their opium in the Company's warehouse, instead of landing it at the Custom-house, and without payment of the prescribed duty in the first instance.

But such opium not to be removed, until the duty shall be duly paid.

IV. The proprietor or proprietors of opium imported as aforesaid may, if he or they be so disposed, instead of paying the duty due and payable thereon in the manner prescribed generally for the payment of the duties denominated Government Customs, on goods or merchandise imported by sea, deliver it at the Company's warehouses, or such other warehouse as shall be approved by the Governor in Council, and secure and lodge it therein, without payment of duty in the first instance; provided, however, that opium so warehoused shall not be removed until the duty imposed by this Regulation shall have been duly paid.

Opium lodged or secured as above-mentioned, to be cleared and taken away within twelve months, on payment of the full duty imposed by this Regulation.

On failure, the opium liable to be sold.

And the produce how to be disposed of.

V. The importers, proprietors or consignees of opium which shall have been lodged or secured as aforesaid, shall within twelve calendar months, to be computed from the date of the production of the manifest at the Custom-house, clear and take from out of such warehouse or places all such opium, and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors or consignees shall fail or neglect so to do, it shall be lawful for the Governor in Council, or such officer as may be duly empowered by him in this behalf, to cause all such opium to be publicly sold or exposed to sale; and after such sale, the produce thereof shall first be applied to the payment of the duty imposed by this Regulation; and the overplus, if any, shall be paid to the proprietor or other persons authorized to receive the same; provided, that no such opium shall be sold, unless a price can be obtained for the same, equal at least to the full amount of the duty aforesaid; but if such price cannot be obtained, then all such opium shall be effectually destroyed by and in the presence of such officer as the Governor in Council shall appoint.

Proviso.

Opium liable to be destroyed.

A. D. 1818. REGULATION II.

A REGULATION to amend Regulation VIII, A. D. 1813:—Passed by the Right honourable the Governor in Council on the 20th May 1818; corresponding with the 15th of Vysaik Sood, Sumbut or Vikramajit era 1874; Salbahan 1740; and 14th of Rujub 1233 of the Hijree.

Preamble.

WHEREAS it has been considered to be inexpedient to require from comavisdars the mochulka prescribed in Section VII, Regulation VIII, A. D. 1813, the following rules have been enacted.

Section VII, Regulation VIII, 1813, rescinded.

II. Section VII, Regulation VIII, 1813, is hereby rescinded.

Comavisdars and other native revenue officers, prohibited from trade, or the receipt of presents.

III. All comavisdars or others concerned in the collection of the revenue are to stand prohibited, from the promulgation of this Regulation, from being engaged in trade; and restricted from the receipt of any nuzzers or presents of any amount or description; and will subject themselves to dismission from office for being hereafter engaged in any commercial transaction; and to a penalty of three times the amount, on conviction in a Court of Justice, of any nuzzer they may have received.

A. D. 1818. REGULATION III.

A REGULATION for modifying and defining the Powers of Magistrate, and transferring the office of Zillah Magistrate from the Judge to the Collector of the Zillah, constituting the Judges of the Zillah Courts the Criminal Judges of the Zillahs, with charge of the Police of the Sudur Stations, and for defining their Powers:—Passed by the Right honourable the Governor in Council of Bombay on the 10th June 1818; corresponding with the 6th of Jest Sood, Sumbut or Vekramajet era, 1874; Salbahan, 1740; and 5th Shaban 1233 of the Hijree.

Preamble.

WHEREAS the rules which have been enacted for the guidance of the zillah magistrates have appeared in some instances to require revision: and whereas it will contribute to the public convenience to reduce into one Regulation the rules in certain Regulations applicable to the office of zillah magistrate: and whereas it appears expedient, in order to prevent the collision of authorities, and to facilitate the administration of civil and criminal justice, to transfer the office of magistrate from the Judge to the Collector of the zillah, beyond the sudur stations of the Zillah Courts; to constitute the Judges of the Courts of Udalut of the several zillahs criminal Judges of their respective zillahs, with the duties of the Police at the sudur station as heretofore; and to prescribe rules for their guidance in bringing to trial persons charged with crimes and offences; the following rules have been enacted, to have effect from the 1st August 1818 inclusive.

II. The

Magiſterial regulations now in force, only applicable to ſudur ſtations.

II. The Regulations in force relative to magistrates and their assistants, are hereby declared to be in future applicable only to cities and towns, the sudur stations of the several Zillah Courts.

Collectors in the ſeveral zillahs to be magiſtrates in their reſpective zillahs.

III. The collectors of the several zillahs shall hold the office of zillah magistrate; previous to entering upon the execution of the duties of the office, they shall take and subscribe an oath, according to the form and mode prescribed in Section II, Regulation III, A. D. 1800.

Aſſiſtants to the collectors to be aſſiſtants to the magiſtrates.

IV. The assistants to the collectors of zillahs shall be assistants to the magistrates of the zillahs, as prescribed by Sections VI, VII, and VIII, Regulation II, A. D. 1802.

The magiſtrate's official ſeal.

V. The magistrate shall use a circular seal, one inch and three quarters in diameter, bearing the following inscription, in the Persian character and language, and also in the character and language of the district:

"The Seal of the Magistrate of the Zillah of ———."

To remain in his cuſtody.

The seal of each magistrate is to remain in the custody of the magistrate.

Special juriſdiction of the magiſtrates of the ſeveral zillahs.

Exception.

VI. The special jurisdiction of the magistrates of the several zillahs is to extend throughout the districts included in the zillahs, in which they are respectively stationed: provided, however, that the magistrates be not considered to have any jurisdiction or authority whatever, in the city or town in which the Zillah Court is situated.

Magiſtrates to apprehend all perſons charged with crimes and miſdemeanors.

VII. It shall be the duty of the magistrate to apprehend murderers, robbers, thieves, house-breakers, and disturbers of the peace, and persons charged before him with crimes or misdemeanors.

Crimes which are not bailable.

How a magiſtrate is to proceed if the charge be for manſlaughter, or illegal homicide not amounting to murder.

VIII. *First.*—Persons accused of treason, murder, robbery, setting fire to any house or village, house-breaking, theft, or counterfeiting of the coin, provided there shall appear sufficient ground for believing the charge, shall not be admitted to bail; but if the charge be for manslaughter, or any species of illegal homicide not involving the crime of murder, the magistrate is authorized to proceed, in the first instance, either by warrant for taking into custody, or by summons requiring bail, as he may judge proper on consideration of the circumstances of the case, and of the condition and character of the party accused.

Principle of the foregoing ſection applicable to perſons privy or incidentally acceſſary to heinous crimes.

Second.—The principle of the latter part of the preceding Clause is also declared applicable to persons, appearing from the magistrate's inquiry to have been only privy or incidentally accessary to crimes of a heinous nature, without being concerned therein either as principal, or as aiding and abetting, procuring or instigating the perpetration thereof.

Points to be attended to by magiſtrates in their inquiries into charges preferred to them.

IX. The magistrates, upon receiving any charge for any heinous crime or misdemeanor, are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what time of the day or night, the act complained of was committed.

How a magiſtrate is to proceed on a complaint being preferred to him for any of the crimes herein ſpecified declared not bailable; or though the crime charged be of a heinous nature, but not expreſsly declared to be unbailable.

To iſſue warrant under his official ſeal and ſignature.

What the warrant is to contain.

Form of warrant for apprehenſion.

X. *First.*—Upon a complaint being preferred in writing to a zillah magistrate, against any person subject to his jurisdiction, for treason, murder, robbery, house-breaking, theft, setting fire to a village, house or other building, counterfeiting the coin, or any other crime declared not to be bailable, or though not so expressly declared, involving such dangerous breach of the peace, or degree of criminality, as from the facts deposed to before the magistrate, may appear to require the immediate apprehension of the accused, and to render the admission of bail unsafe and improper, the magistrate, on the truth of the charge being deposed to by the complainant, or in the manner required by the following Sections, shall issue a warrant under his official seal and signature, specifying the crime charged, and directing the officer entrusted with the execution of it to apprehend the person accused.

Second.—The warrant shall be in the Form prescribed in No. 1, of the Appendix to this Regulation, and shall be directed to any police officer.

What to be ſpecified in warrant, when bailable, or ſecurity for keeping the peace is to be taken.

Third.—If the magistrate shall, in any bailable case, judge it proper to authorize the officer, to whom the warrant is committed, to receive bail for appearance (with or without security for keeping the peace), it shall be so specified in the warrant,

with the extent of the bail (and security) required, according to the form prescribed in No. 2, of the Appendix to this Regulation.

Form of bail bond for appearance before the magiſtrate.

Fourth.—The bail to be taken for appearance before the magistrate, shall be in the Form prescribed in No. 3, of the Appendix to this Regulation.

Form of ſecurity bond for keeping the peace.

Fifth.—When security may be required for keeping the peace, it shall be taken in the Form prescribed in No. 4, of the Appendix to this Regulation.

Perſonal attendance of complainant, under certain circumſtances herein preſcribed, not indiſpenſable.

XI. The attendance and deposition of the complainant shall not be indispensable in preferring a criminal charge, when sufficient reason can be assigned for his non-attendance. If the complainant be unable to attend in person, or were not himself present at the commission of the act complained of, his written plaint presented by an authorized agent, and corroborated by the deposition on oath (or on a solemn declaration, if the rank or cast of the deponent render it improper to require an oath) of one or more persons present, or otherwise personally informed of the truth of the complaint, shall be sufficient grounds for receiving the same, and for issuing process against the party accused, unless the magistrate see reason for making the previous inquiry authorized by the following Section: but no warrant for apprehension shall be issued on a complaint, unless the truth of the charge be deposed to on oath (or under a solemn declaration), either by the complainant himself, or by some other credible person. This shall not, however, be construed to restrict a magistrate from issuing process to apprehend a person suspected of having committed a heinous crime, or for whose apprehension sufficient cause may appear upon the report of a public officer, or upon any other credible information.

Exception.

No warrant to be iſſued, unleſs the charge be ſworn or depoſed to under a ſolemn declaration, either by the complainant or ſome other credible perſons.

Magiſtrate not reſtricted from iſſuing proceſs for apprehenſion, upon the report of officers of police, or other credible information.

How the magiſtrate is to proceed if he ſee cauſe to diſtruſt the truth of a complaint.

XII. If the magistrate see cause to distrust the truth of a complaint preferred to him, and if the immediate arrest of the party complained against appear unnecessary and objectionable, the magistrate is authorized to postpone his issuing his warrant for apprehension, and to cause a previous inquiry to be made, either by means of the local police officers, or in such other mode as he shall judge most proper for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of such inquiry induce the magistrate to believe the charge well founded, and the offence committed be of the nature described in Section X. of this Regulation, he shall issue his warrant for apprehending the accused therein directed; but if the accusation appear groundless, or, though well founded, if the offence be of a bailable nature, he is empowered, in the former case, to dismiss the complaint, or in the latter case, to direct bail to be taken from the accused for appearance, in person or by vakeel, to answer the charge, as provided by the following Section.

How a magiſtrate is to proceed againſt a perſon charged with a bailable offence.

XIII. *First.*—Upon a complaint in writing being preferred to a zillah magistrate against a person subject to his jurisdiction, for any bailable crime or misdemeanor which may not appear to require the immediate apprehension of the accused, the magistrate, upon the party complaining making oath (or a solemn declaration, if the party be of a rank or cast which would render it improper to compel him to take an oath) to the truth of the complaint, or without such oath or declaration, if satisfactory reason be assigned by the complainant for not attending to make the same, and the truth of the charge be deposed to by some other credible person or persons, shall issue a summons under his official seal and signature, to be served by any public officer.

What the ſummons is to contain.

Second.—The summons in all such instances shall specify the offence with which the accused is charged, and shall, according to the circumstances of the case, contain a requisition to attend, either in person or by vakeel, to answer to the charge on or before a certain day, to be stated in the summons, according to the Form prescribed in No. 5, of the Appendix to this Regulation.

Form to be ſubſtituted when bail is required.

Third.—If it be deemed necessary to require bail, the extent of the bail is to be specified in the summons, in the Form prescribed in No. 6, of the Appendix to this Regulation.

Bail bond to correſpond with that preſcribed in Clauſe fourth of Section X.

Fourth.—The bail to be taken for appearance before the magistrate in pursuance of the above Clause, shall correspond with the Form prescribed by Clause fourth, Section X, of this Regulation.

XIV. If

How a magiſtrate is to proceed, if the accuſed on whom a ſummons may have been ſerved, ſhall not attend in perſon, or by vakeel, and give bail if required.

XIV. If an accused person on whom a summons shall have been served, shall not attend in person, or by vakeel, and give bail (if required), according to the exigence of the summons, within the period limited by it, the magistrate shall issue a warrant under his official seal and signature, for the apprehension of the accused, and if he abscond, or conceal himself so that he cannot be found, shall proceed against him in the manner directed in the following Section.

Magiſtrate to proceed againſt perſons who may evade their proceſs by flight or concealment.

XV. *First.*—The magistrate is to cause a written proclamation in the language of the district, requiring the absent party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. In case the party shall not appear and deliver himself up within the period fixed by such proclamation, the magistrate, on receiving the police officer's return to this effect, is to order the attachment of any land, or other real property, held by the absentee, within his jurisdiction, in the following manner.

Lands or other real property to be attached, on non-attendance after proclamation.

Attachment, in what manner to be made, if the abſentee be a proprietor or farmer of land paying revenue to Government.

Second.—If the absentee be a proprietor of land, or sudur farmer paying revenue to Government, the magistrate shall hold the land or farm of the absentee in attachment, and take such measures as may be necessary for the due care and management of the lands whilst under his charge, subject to the instructions of the Government; to whom he is to make an immediate report of any instances of land being attached by him under this Regulation.

Or, if the abſentee be not of the above deſcription.

Third.—If the absentee be not a proprietor, or farmer of land paying revenue to Government, but as a dependent talookdar, under farmer, or ujat, or in any other capacity whatever, be the tenant of landed property capable of attachment, the magistrate shall attach the same, and adopt the necessary measures for the due care and management of it whilst under his charge; paying from the product any rent which may become due to the zemindar or other person entitled thereto, and deducting all necessary expenses in the account to be rendered to the absentee, whenever he may attend, and the attachment of his property be removed.

Attachment to be taken off, on attendance of the abſentee, and an account rendered of receipts and diſburſements.

Fourth.—In all instances wherein an attachment of property may be made under the foregoing rule, the magistrate, immediately on the attendance of the party for whose appearance it was ordered, shall direct that the attachment be removed, and that a full and fair account be rendered of all receipts and disbursements during the period of attachment.

Report to be made to the Governor in Council in caſe the abſentee ſhall not attend within ſix months after the attachment of his lands.

Fifth.—Should the absentee neglect to attend for a period of six months after the lands have been ordered under attachment, the magistrate shall report the case to the Governor in Council, who will pass such order upon it and upon the future disposal of the lands, as he may judge proper.

Magiſtrates how to proceed againſt perſons reſiſting their proceſſes.

XVI. *First.*—If any person amenable to the authority of the magistrate, shall resist, or cause to be resisted, any warrant, order or other process of any magistrate, the magistrate of the zillah in which such resistance may have been made, on the same being charged on oath, shall, if practicable, cause the party to be apprehended and brought before him to answer to the charge. If the party shall abscond, or conceal himself so that he cannot be apprehended, the magistrate is to cause a written proclamation, in the language of the district, requiring the party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum, and to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. If the party, charged as above, cannot be apprehended, and shall not, within the period fixed by proclamation, appear to answer the charge against him, or if he shall be apprehended, or shall appear in pursuance of the proclamation, and, after receiving his answer to the charge and hearing the evidence he may adduce in his defence, it shall be proved to the satisfaction of the magistrate that he is guilty of the charge, the magistrate is to pass judgment against him in the following manner.

Judgment is to be paſſed againſt perſons convicted of ſuch offences.

If a proprietor of land paying revenue to Government, or lakheraj land.

Second.—If the offender be a zemindar, talookdar, or other proprietor of land paying revenue to Government, or the proprietor of lands exempt from revenue, situated within the zillah in which the resistance was made, and the case shall not come under the rule provided in Clause fifth of this Section, the magistrate shall declare such lands to be forfeited to Government, and shall hold them in attachment till the receipt of orders from the Governor in Council, to be communicated in the manner hereafter directed.

If a sudur farmer, holding a farm from Government.

Third.—If the offender be a sudur farmer holding a farm from Government within the zillah in which the resistance may have been made, and the case shall not come under the rule provided in Clause fifth of this Section, the magistrate shall declare his lease cancelled, and shall proceed as above required with respect to lands declared forfeited to Government.

If the offender be not of the above descriptions.

Fourth.—If the offender be not a proprietor of land, or sudur farmer paying revenue to Government, as described in the two foregoing Clauses, the judgment against him shall declare him liable to the payment of such fine to Government, as may appear proper, upon a consideration of his rank and circumstances in life, and the offence of which he may be convicted; and the magistrate shall immediately proceed to the attachment of any property appertaining to the offender, for the recovery of the same, in the manner authorized by the Regulations for the recovery of sums of money decreed by the Civil Courts of Justice. In cases wherein the offender may have been apprehended, and may not be possessed of property adequate to the discharge of the fine adjudged against him, the magistrate, with the concurrence of the Superior Tribunal, may commute such fine to imprisonment or corporal punishment.

Magistrates may inflict punishment in certain cases of resistance, without the reference required in clause sixth.

Fifth.—In cases of resistance to the process of a magistrate, not attended with aggravating circumstances, wherein the magistrate, before whom the charge may be tried, shall judge it sufficient to inflict the punishment which he is authorized to inflict for petty offences, under Section XXX. of this Regulation, it shall not be necessary to transmit his proceedings for the consideration of the Superior Tribunal, as required by Clause sixth of this Section; but the judgment of the magistrate shall be executed, in such cases, without reference to the Superior Tribunal.

Judgments of magistrates under this section (with the exception specified) to be reported to the superior tribunal, without whose orders such judgment not to be considered final and conclusive.

Sixth.—Provided always, that the whole of the judgments passed by the magistrates under this Section (with an exception to the judgments passed under the preceding Clause) be immediately reported, with a complete copy of their proceedings, to the Court of Superior Tribunal, and the orders of that Court be received, under the following Section, before the judgment passed by a magistrate, under this Section, be considered final and conclusive.

Superior tribunal how to proceed in cases referred to them under this Regulation.

XVII. The Superior Tribunal on the receipt of the proceedings above referred to, are to pass such order thereupon as they may think proper, on due consideration of the evidence, and all the circumstances of the case; and in all instances wherein the forfeiture of the offender's lands or lease may appear to them too severe a punishment for the offence, they are authorized to commute the same for such fine to Government as they may judge adequate, and order the attachment of the lands to be taken off on the payment thereof. The sentence of the Superior Tribunal is to be final in all cases of fine, imprisonment and corporal punishment; but in case they shall confirm the judgment of the magistrate for a forfeiture of the offender's lands or lease, they are, previously to ordering such sentence to be carried into execution, to transmit their proceedings, with those of the magistrate, to the Governor in Council, who will finally determine whether the sentence of forfeiture shall be put in force, or commuted to a fine or otherwise; and who, whenever he may order the land or lease of the offender to be forfeited to Government, will at the same time cause the necessary instructions for the future disposal of the land to be conveyed to the collector. In case the magistrate's judgment of forfeiture be set aside, either by the Superior Tribunal, or the Governor in Council, he shall, immediately on being informed thereof, and on receipt of the fine (if a fine be ordered), remove the attachment, and cause a full and fair account to be rendered of all receipts and disbursements during the period of attachment.

Magistrates not restricted from admitting to bail persons accused of resistance to criminal processes, in certain cases.

XVIII. The rules contained in Section XVI. of this Regulation, shall not restrict the magistrates from admitting to bail persons charged with resistance to a warrant, order or other process of a magistrate, in cases not attended with aggravating circumstances;

circumstances; nor in any case when the magistrate, upon receipt of the charge, or in the course of his inquiry respecting it, or after he shall have passed judgment upon it, during the reference required to be made to the Superior Tribunal, may judge proper to admit the defendant to bail. As resistance of process is not included in the specification of crimes declared not bailable, it is hereby declared, that persons apprehended on a charge of resistance of process under this or any other Regulation, and who may not be accused of any aggravating crime in addition to the resistance of process, such as is declared not bailable by Section X. of this Regulation, are to be admitted to bail, until a final decision shall have been passed upon the charge; provided the bail offered by them shall appear to the magistrate sufficient for securing the appearance of the persons so charged, during the prescribed investigation of the case.

In what cases such persons may be admitted to bail.

XIX. In cases of gang robbery, murder or other heinous crime, when the Magistrate shall be of opinion that the ordinary process prescribed for the apprehension of public offenders would be ineffectual, or when the offenders may not be known, if it appear advisable to the magistrate of the jurisdiction in which the crime may be committed, to offer a reward for the discovery and apprehension of the offender or offenders, he shall offer such reward as shall be deemed sufficient, not exceeding in any case the sum of one hundred current rupees for a surdar or leader of a gang, and twenty rupees for each of the inferior offenders that may be discovered and apprehended in consequence. In any case which may appear to the magistrate to require a larger reward, he shall report the same to the Court of Superior Tribunal, with his opinion of the reward that should be offered; and the Court of Superior Tribunal may authorize such reward as shall appear sufficient, not exceeding the sum of five hundred current rupees for a surdar or leader, and one hundred rupees for each of the inferior offenders. If these rewards appear to be in any case insufficient, the Court of Superior Tribunal shall report the same for the consideration and orders of Government.

Magistrate how to proceed, when it may appear advisable to offer a reward for the discovery and apprehension of offenders in cases of magnitude.

Discretion vested in the magistrate in such cases.

And in the court of superior tribunal.

In what case a report to be made for the orders of Government.

XX. All specific rewards offered under the discretion of the magistrate, or which may have been duly sanctioned by the Court of Superior Tribunal, or the Governor in Council, under the preceding Section, shall be payable on the conviction of the offender or offenders before the Courts of Circuit. The Courts of Circuit are also hereby empowered to direct the payment of any part of the specific rewards authorized, although the persons apprehended may not be convicted of the crimes charged against them, if from proof of their notorious bad character and the whole of the evidence, there appear to be ground of presumption that the information given against the prisoners is well founded: provided further, that it shall be competent to the Courts of Circuit to withhold and prohibit the payment of the whole or any part of the specific rewards offered under the preceding Section, although the persons informed against and apprehended may be convicted, if it should appear on the trial that any improper means have been taken by the informer with a view to the conviction of the accused, or that the latter has suffered any maltreatment from the former, or from any person under his influence.

Reward sanctioned under the preceding section, when payable.

In what cases the courts of circuit may order payment, in whole or in part, without conviction of the persons apprehended.

In what cases the courts of circuit may also withhold the payment of the rewards offered under preceding section, notwithstanding the conviction of the persons apprehended.

XXI. In cases wherein any meritorious service may have been rendered by police officers, or others, in the apprehension or discovery of public offenders, for whom no specific reward may be payable to the person or persons who have performed such meritorious service, the Courts of Circuit, on due consideration of the service rendered, the exertions made, and any expense incurred in the prosecution of it, are authorized to direct the payment of such remuneration as may be considered adequate, not exceeding the sum of one hundred rupees for a surdar, and ten rupees for an accomplice. If a larger reward be deemed proper, a report of the case shall be made to the Court of Superior Tribunal, who are authorized to direct the payment of any sum not exceeding five hundred rupees. If in any case it appear proper to grant a higher reward or compensation than five hundred rupees, the Court of Superior Tribunal shall report the same for the consideration and orders of Government.

Authority vested in the courts of circuit to direct a remuneration for meritorious service by police officers and others in the discovery or apprehension of public offenders, when no specific reward may be payable to them.

And in the court of superior tribunal.

In what case a report to be made to Government.

XXII. *First.*—Upon a prisoner being brought in the first instance before the magistrate, charged with any crime or misdemeanor, he shall inquire into the circumstances of the charge, and examine the prisoner, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing. The witnesses shall be

Prisoner to be examined, but not upon oath; and his deposition to be committed to writing.

The witneſſes to the charge to be examined on oath (or ſolemn declaration); and their depoſitions to be committed to writing.

Magiſtrate to diſcharge the priſoner if there ſhall not appear evidence of his guilt, recording his reaſons for ſo doing.

Magiſtrates to ſend the proſecutor, witneſſes and priſoner to the criminal judge, if there ſhall be evidence that the crime or miſdemeanor was committed.

Magiſtrate need go no further into examinations than may ſatisfy his mind of the priſoner's guilt.

examined upon oath (or on a solemn declaration if of a rank or cast which would render it improper to take an oath), but the prisoner shall not be required to swear to the truth of his deposition; after this inquiry, if it shall appear to the magistrate that the crime or misdemeanor charged against the prisoner was never committed, or that there is no evidence of his having been concerned in the committing of it, the magistrate shall cause him to be forthwith discharged, recording his reasons for releasing him, and submitting them to the Court of Circuit, with the calendar ordered to be prepared in Section XXXVIII. of this Regulation.

Second.—If, on the contrary, it shall appear to the magistrate that the crime or misdemeanor was actually committed, and that there is evidence of the prisoner's having been concerned in the perpetration of it, the magistrate shall send the prosecutor, the witnesses and the prisoner, with the proceedings on the case, to the Criminal Judge of the zillah. But it shall not be necessary for the magistrate to go further into the examination than to satisfy his own mind that there is ground to believe the prisoner guilty of the crime charged against him.

Documents to be forwarded with the priſoner to the judge.

XXIII. Whenever the magistrate may forward a prisoner to the Criminal Judge under the preceding Section, he shall send by the police peons in charge of the prisoner a paper containing the name of the prisoner, the crime with which he is charged, and date of the charge, the date of his apprehension, and a list of the prosecutors and witnesses, and of all examinations and depositions that may have been taken either by himself or any police officers. The Judge shall immediately on the receipt of such paper, certify on the back of it whether or not the prisoner and documents have been received, and shall return it by the police peons to the magistrate, and no other communication shall be necessary.

Priſoners confeſſions or confirmations of former confeſſions of their guilt, to be atteſted by the number of witneſſes required to render them valid.

The magiſtrates to be careful that they are free and voluntary, and to take ſpecial care that priſoners ſuffer no ill treatment after apprehenſion to compel them to ſpeak the truth, or for other purpoſes.

XXIV. When a prisoner confesses before the magistrate the crime or misdemeanor of which he may have been accused, the magistrates are to be careful to have such confession witnessed by as many credible persons, not being servants of the Government, who may be present at the time it may be made, as is required to give it validity; but the magistrates are strictly enjoined to satisfy themselves that all confessions made by prisoners are free and voluntary. The magistrates are further required to take special care that persons, upon being apprehended, are not made to suffer corporal punishment, or otherwise ill-treated, under the pretence of compelling them to answer truly to questions that may be put to them, or under any other pretext whatever.

Magiſtrate not to admit any compromiſe in crimes of a heinous nature.

XXV. No private compromise or razeenameh shall be admitted by the magistrate in crimes of a heinous nature, such as on conviction may require exemplary punishment for the ends of public justice.

Rules reſpecting examinations taken before the magiſtrate.

XXVI. All examinations and depositions taken before the magistrate are to be written on separate papers, signed by the deponents, attested by the signature of the magistrate, and are to be taken and written in the language in which the deponents may desire to have the same recorded.

Magiſtrates not to receive any charges of perjury.

Individuals attending in civil ſuits, not liable to proſecution for perjury, unleſs committed for trial before the judge.

XXVII. The magistrates of the several zillahs shall not receive any charges of perjury which may be preferred by parties in civil suits, either against their own witnesses or against the witnesses of the adverse party, or of subornation of perjury against the adverse parties in such suits; and all individuals whose attendance is required in the Civil Courts, either as plaintiffs, defendants or witnesses, are hereby declared not to be liable to any prosecution of this description, unless they shall be committed to take their trial by the zillah Judge, under the authority vested in him by Section XIII, Regulation II, 1800.

Magiſtrates to tranſmit to the ſuperior tribunal, in the month of January of each year, an abſtract ſtatement of robberies and other crimes committed in the preceding year, containing the particulars herein ſpecified.

XXVIII. The magistrates are to transmit to the Court of Superior Tribunal and Court of Circuit, in the month of January of each year, in the Form prescribed in No. 7, of the Appendix to this Regulation, an abstract statement of the number of robberies and other crimes of a heinous nature ascertained by the police officers, or otherwise, to have been committed within their respective jurisdictions in the preceding year, the number of persons known or supposed to have been concerned in the commission of such crimes, and the number apprehended and delivered over to the Criminal Judge.

XXIX. All

Proceſs to be obſerved for apprehenſion and trial of Europeans not Britiſh ſubjects.

XXIX. All Europeans not British subjects shall be amenable to the authority of the Magistrates, the Criminal Judges and Court of Circuit, within whose jurisdiction they may be apprehended and brought to trial, in common with the natives of the country.

Miſdemeanors which the magiſtrates are authorized to try.

And the puniſhment which they are empowered to inflict for ſuch offences.

XXX. The magistrates are empowered to hear and determine, without reference to any authority, all complaints or prosecutions brought before them for petty offences, such as abusive language, calumny, inconsiderable assaults or affrays, and to punish the offender, when convicted, by committing him to prison in the zillah jail, or village chowra, as to them may seem proper, for a term not exceeding fifteen days, or by imposing a fine upon him; but the fine is in no case to exceed the sum of fifty current rupees, unless the offender be a zemindar, independent talookdar, or other actual proprietor of land paying an annual revenue to Government of more than ten thousand current rupees, or a proprietor of the land paying a quit revenue to Government exceeding five hundred current rupees per annum, or of lakheraj land, the annual produce of which may be above one thousand current rupees, in which cases, such offender shall be liable to a fine not exceeding two hundred current rupees. The magistrate is to fix the amount of the fine under the limitations prescribed, upon a due consideration of the nature of the case and the situation and circumstances in life of the offender.

Crimes which the magiſtrates are alſo authorized to try, under the reſtrictions herein ſpecified.

And the puniſhment which they are empowered to inflict for ſuch crimes.

XXXI. The magistrates are authorized to hear and determine, without reference to any authority, all complaints or prosecutions brought before them for petty thefts, when they shall not have been attended with any aggravating circumstances, or committed by persons of notorious bad characters; and to inflict upon the offenders corporal punishment, not exceeding eighteen rattans, or commit them to prison in the zillah jail, or village chowra, as to them may seem proper, for a term no longer than one month, according as they may think proper upon a consideration of the case.

Form of warrant referred to, to be addreſſed by magiſtrates in certain caſes to the keeper of the zillah jail.

XXXII. *First.*—In cases of a prisoner, punishable by the magistrate under the two preceding Sections, being sent to the zillah jail, the magistrate shall forward, with the prisoner, a warrant in the Form prescribed in No. 8, of the Appendix to this Regulation, addressed to the keeper of the jail, who shall conform to the tenor of the warrant.

Warrant to be accompanied by a paper addreſſed to the judge.

The endorſement thereon required.

Second.—The warrant shall be accompanied by a paper, addressed to the Criminal Judge, containing the name, the crime or offence, and the period of confinement to which the prisoner may have been sentenced. The Judge shall return the paper by the police officers who may come in charge of the prisoner, with an indorsement, attested by his official seal and signature, acknowledging the delivery of the prisoner.

Puniſhments to be inflicted on the complainants in the caſes herein ſpecified, whoſe complaints are proved to be litigious, vexatious, or groundleſs.

XXXIII. When the complaints specified in Sections XXX. and XXXI. of this Regulation, shall appear to the magistrate to be litigious vexatious or groundless, he is authorized to punish the complainant by fine or imprisonment, under the limitations and restrictions prescribed for the punishment of the offences specified in Section XXXI.

In what caſes bail for perſonal appearance ſhall not be required in the firſt inſtance.

But may be required at any time during the inveſtigation.

How an officer, entruſted with the ſerving of a ſummons, is to proceed.

In what caſes the officer ſerving the ſummons ſhall be authorized to receive a razeenamah, if acquieſced in by the defendant, as a ſufficient return to the proceſs entruſted to him.

Provided that, except in the trivial caſes noticed, no razeenamah ſhall be received without the ſanction of the magiſtrate.

XXXIV. In cases of a trivial nature, such as abusive language, slight trespasses, and inconsiderable assaults or affrays, in which there may be no reason to apprehend that the party complained against will abscond, bail for appearance shall not be required in the first instance, but may, at any time during the investigation of the charge, be called for by the magistrate, if any circumstances should occur to render it necessary. The officer entrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same, and to return an acknowledgment for the party. The officer serving the summons in such instances, shall be authorized, on the tender of a razeenamah expressing the plaintiff's desire to withdraw his complaint, and the defendant's acquiescence in the complaint being withdrawn, to receive such razeenamah as a sufficient return to the process committed to him; but, excepting in the trivial cases noticed in this section, no razeenamah shall be received without the special sanction of the magistrate.

Magiſtrates not required to make examinations in certain caſes matter of record.

XXXV. The magistrates are not required, in the cases of petty offences specified in Section XXXI. of this Regulation, to make their examinations matter of record, when the punishment they may order shall not exceed two days imprisonment, or a fine of five rupees.

Magiſtrates to pay the cuſtomary diet money to priſoners.

XXXVI. The magistrates are to pay the customary daily subsistence money to all prisoners, from the time of their apprehension to the date of their discharge or delivery to the Criminal Judge.

No fines to be impoſed by magiſtrates but to the uſe of Government; with a definite period of impriſonment, to be held as equivalent to the fines impoſed.

Impriſonment not to exceed periods herein ſpecified.

XXXVII. *First.*—No fines, except in cases specified in the second Clause of this Section, shall be imposed by a magistrate, save and except to the use of Government; and whenever a fine to the use of Government shall be imposed, the magistrate who may pass the sentence, shall, at the same time, weighing all the circumstances of the case, fix a definite period of imprisonment, to be held as equivalent to the fine; at the expiration of which, the persons convicted shall be discharged, if they have not previously paid the fine. In cases in which the magistrate shall impose fines, the imprisonment to be fixed by them, as equivalent to the fines, shall not exceed the periods specified in Sections XXX. and XXXI. of this Regulation.

Application of fine when levied in caſes of injury to complainants.

Second.—In case of injury to any complainant, when the fine may have been levied, it shall be lawful for the magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury, as he may deem equitable.

Magiſtrates to ſubmit two calendars to the courts of circuit.

What to contain.

XXXVIII. *First.*—The magistrates shall cause to be delivered to the Court of Circuit, upon their arrival at the places of residence of the Criminal Judges of their respective zillahs, a calendar, in the Form prescribed in No. 9, of the Appendix to this Regulation, containing a list of all persons whom they may have apprehended for crimes or misdemeanors, and discharged for want of sufficient evidence; as also a calendar, in the Form prescribed in No. 10, of the Appendix to this Regulation, containing a list of all punishments which they may have ordered on petty offences or petty thefts, with the exception of those cases which are not required to be made matter of record under Section XXXV. of this Regulation.

What papers and proceedings are to accompany theſe calendars.

Directions to the circuit judge in certain caſes.

Second.—These calendars are to be accompanied with all the original proceedings in each case; and if the Court of Circuit shall be of opinion, that any of the persons mentioned in the first calendar have been discharged, or the persons specified in the second calendar punished, upon insufficient grounds, they are to transmit to the magistrate such written orders on the case as may appear to them proper, to which he shall conform.

Courts of circuit to report inſtances of neglect or miſconduct on the part of magiſtrates in the diſcharge of their duty.

Third.—The Courts of Circuit are to report to the Superior Tribunal, for the information and orders of Government, whenever the magistrates omit, or refuse to obey their orders; as also, whenever it shall appear to them that the magistrates have been guilty of neglect or misconduct in the discharge of their duty.

Public officers in the pay of Government, charged with the ſerving of proceſs, prohibited from demanding or receiving diet money from the parties.

XXXIX. Every summons or other criminal process shall be served by a peon, or other police officer receiving wages from Government; and no diet money, or other allowance or gratuity, shall be demanded or received from the complainant or accused, whether the case be adjusted by razeenamah or otherwise; and the demand or receipt of such by any public officers, directly or indirectly, in violation of this rule, shall be punishable as a criminal offence on conviction before the Magistrate the Criminal Judge of the zillah, or Court of Circuit; the offender shall also be compellable, either by a criminal prosecution or by a civil action, to refund the amount received, besides being liable to immediate dismission from office, under the provisions contained in the existing Regulations.

Magiſtrates empowered to remove police officers from one ſtation to another, at diſcretion.

XL. Magistrates are hereby empowered to remove police officers from one station to another within their respective jurisdictions, without any reference to any authority.

Magiſtrates and their aſſiſtants amenable to the zillah court for acts done in their official capacity.

XLI. The zillah magistrates and their assistants are hereby declared amenable to the Zillah Court, in the jurisdiction of which they may reside or carry on the public business committed to their charge, by a civil proſecution, for any act or acts done in their official capacity in opposition to any established Regulation.

Judges of the zillah courts to be criminal judges in their reſpective juriſdictions.

XLII. The Judges of the Courts of Udawlut of the several zillahs shall hold the office of Criminal Judge of the zillah under their respective jurisdictions: previous

to

to entering upon the execution of the duties of the office, they shall take and subscribe an oath, according to the Form prescribed in No. 10 of the Appendix to this Regulation, before the Governor in Council, or any person whom he may commission to administer it.

Regiſters to the zillah courts to be ſenior aſſiſtants to the criminal judges of the zillah.

XLIII. The registers to the Zillah Courts shall be senior assistants to the Criminal Judges of the zillahs.

Aſſiſtants may, in certain caſes, be employed judicially.

Proviſo.

XLIV. The Criminal Judges are authorized to employ their senior assistants in the execution of such part of their prescribed duties, as from the extent of their general business, or other cause, they may be unable to give due attention to themselves; provided, that previous to any such assistant entering upon the exercise of judicial authority, he shall take and subscribe before the Judge, an oath according to the Form prescribed in No. 11 of the Appendix to this Regulation.

Senior aſſiſtants, having taken the preſcribed oaths, may, in certain caſes, act judicially.

XLV. *First.*—The senior assistants to the Criminal Judges, who may have taken and subscribed the oath prescribed by this Regulation, are authorized to exercise the judicial power vested in the Judge by this Regulation, as far as may be necessary to enable them to perform the duties committed to them respectively by the Judges with whom they are stationed.

The proviſions of Section V, Regulation II, 1802, declared applicable to the criminal judges and their aſſiſtants.

Second.—The provisions of Section V, Regulation II, 1802, with the exception of what relates to the preservation of the peace in the districts, are hereby declared applicable to the Criminal Judges of the several zillahs, and their assistants.

Special juriſdiction of the criminal judges of the ſeveral zillahs.

And alſo to exerciſe, as heretofore, the duties of magiſtrate at the ſudur ſtation.

XLVI. The special jurisdiction of the Criminal Judges of the several zillahs, is to extend throughout the districts included in the zillahs in which they are respectively stationed; and they shall also continue to exercise the duties of magistrate in the city or town and suburbs, the seat of the Zillah Court, and port or river which may belong thereto, under the Rules and Regulations already in force, and also such parts of this Regulation for the guidance of the zillah magistrates, as are applicable.

Criminal judges empowered, in certain caſes, to paſs ſentence of impriſonment with corporal puniſhment.

XLVII. *First.*—The Criminal Judges are hereby empowered, in all cases of conviction before them of a criminal offence committed in the zillahs, for which the penalties authorized by Sections XXX. and XXXI. of this Regulation, or if committed in the city and town, or suburbs, the seat of the Zillah Court, or port or river which may belong thereto, for which the penalties authorized by Sections VII. and VIII, Regulation III, 1800, may appear insufficient, or to which the rules referred to may not be expressly applicable, and for which a more severe punishment than six months imprisonment with thirty rattans, or a fine of two hundred rupees, may not have been especially prescribed (in which case the prisoner, if there appear grounds for it, must be brought to trial before the Court of Circuit), to pass sentence of imprisonment, not exceeding six months, with corporal punishment not exceeding thirty rattans, in cases of theft, or in other cases, with a fine not exceeding two hundred rupees, commutable, if not paid, to a further period of imprisonment, not exceeding six months, so that the entire period of imprisonment under the sentence of a Criminal Judge shall in no instance exceed one year.

And fine, under the limitations herein ſpecified.

Powers veſted in the junior aſſiſtants to the criminal judges, explained.

Second.—The powers vested in the Criminal Judge by the preceding Clause, shall not be exercised by the junior assistants in the police department, in the execution of any duties committed to them under the provision of Section VI, Regulation II, 1800. In the performance of such duties, the assistants shall not exceed the powers vested in them by the Regulations heretofore in force; except that, in the case provided for by Section VII, Regulation III, 1800, whenever it may appear proper to impose the fine thereby authorized, in addition to fifteen days imprisonment, both the stated fine and imprisonment may be adjudged, with an eventual commutation of the fine, if not paid, to further confinement for a period of fifteen days, making the entire term of imprisonment, if the fine be not paid, one month of thirty days. In like manner, charges of petty thefts, provided for by Section VIII, Regulation III, 1800, if it appear just and requisite, on consideration of the circumstances of the case, to sentence the offender to one month's imprisonment in addition to the stated corporal punishment of thirty rattans, or of any part thereof, both corporal punishment and imprisonment may be adjudged accordingly. In any case referred to the assistant of a Criminal Judge, under Section VI, Regulation II, 1800, wherein the offence proved against the prisoner may appear to require a more severe punishment than he is hereby authorized

In caſes referred to a junior aſſiſtant by a criminal judge, ſhould the powers above veſted in him

not be ſufficient, he ſhall not paſs ſentence, but ſubmit his proceedings to the criminal judge for his deciſion.

authorized to adjudge, he shall not pass any sentence, but shall submit his proceedings to the Criminal Judge; who, after holding any further proceedings he may deem necessary, will, if satisfied of the guilt of the prisoner, either pass sentence on him under Clause first of this Section and the general Regulations in force, or will commit or hold him to bail for trial before the Court of Circuit, according to the nature and circumstances of the case.

Rules to be obſerved in referring caſes to junior aſſiſtants by the criminal judge.

Third.—Whenever a complaint or charge of a criminal nature may be referred by a Criminal Judge to his assistant, for examination, under the provisions of Section VI, Regulation II, 1800, the order of reference shall be recorded on the magistrate's proceedings, with instructions, whether to submit the proceedings held upon the examination for the Judge's decision, or whether the determination upon the charge is to be passed by the junior assistant; if it be such as he is authorized to determine under the Regulations. As far as the general duties of the Criminal Judges may admit, they are directed to examine the proceedings held by their assistants in such cases, and to pass judgment thereupon themselves; and in all instances wherein the sentence may be passed by an assistant, if the Criminal Judge, on representation made to him without unnecessary delay, shall see cause to revise the proceedings held by the assistant, and shall disapprove the judgment given by the latter, he is authorized and required to annul the same, and to pass such further sentence or order as may appear just and conformable to the Regulations.

Proceedings held by junior aſſiſtants to be examined by the criminal judge.

And ſhould he ſee cauſe, to be reviſed by him, and new ſentence paſſed therein.

Criminal judges competent only to take cognizance of criminal charges brought before them by magiſtrates, or their police officers,

Except in caſes of offences committed at the ſudur ſtation; or where an European Britiſh ſubject ſhall be a party.

XLVIII. The Criminal Judge of the zillah shall not receive or take cognizance of any criminal charge or information, except such as may be brought before him by a magistrate, or some police officer under his authority; save in cases of offences committed at the sudur station which is under his own immediate superintendence in respect to all matters of police: provided, however, that this restriction shall not be considered applicable to cases in which an European British subject shall be a party.

Priſoner to be examined, but not upon oath, and his depoſition to be committed to writing.

Proſecutor and witneſſes to be examined on oath, or on a ſolemn declaration, and their depoſitions to be committed to writing.

Judge to diſcharge the priſoner if there ſhall not appear to him ſufficient ground for commitment, recording his reaſons for ſo doing.

XLIX. *First.*—Upon a prisoner being brought before the Criminal Judge, he shall inquire into the circumstances of the charge, and examine the prisoner and the complainant, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing. The complainant and the witnesses shall be examined upon oath (or on a solemn declaration, if the rank or cast of the deponent render it improper to require an oath); but the prisoner shall not be required to swear to the truth of his deposition: after this inquiry, if it shall appear to the Judge that the crime or misdemeanor charged against the prisoner was never committed, or that there is no evidence of his having been concerned in the committing of it, the Judge shall cause him to be forthwith discharged; recording his reasons for releasing him, and submitting them to the Court of Circuit with the calendar ordered to be prepared in Section LXIII. of this Regulation.

Judge to puniſh the priſoner, if the crime be committed, and puniſhable by him.

Second.—If, on the contrary, it shall appear to the Judge, that the crime or misdemeanor was actually committed by the prisoner, and if it shall be punishable by the Judge under Section XLVII. of this Regulation, he shall adjudge such punishment as he may deem proper.

Judge to commit the priſoner, or to hold him to bail, if there ſhall appear to him ſufficient ground for ſo doing.

Third.—If the crime or misdemeanor be not punishable by the Judge, and if it shall appear that it was actually committed, and that there is evidence of the prisoner having been concerned in the perpetration of it, the Judge shall commit him to prison, or hold him to bail (according as the offence may be bailable or not), to take his trial at the next session of the Court of Circuit, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence.

All bail bonds and recognizances to be for ſpecific ſums; to be forfeited on non-performance of the conditions.

Rule for determining the amount of ſuch ſums.

Fourth.—All bail bonds for prisoners released upon bail, and the recognizances required to be taken from prosecutors and witnesses, shall be for a specific sum, the amount of which shall be determined by the Judge, upon a due consideration of the case, and the circumstances and situation in life of the parties, and shall contain a clause declaring the amount forfeited to Government, in the event of the condition of it not being performed.

Points to be attended to by the judges in their inquiries into charges before them.

L. The Criminal Judges are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what

what time of the day or night the act complained of was committed. When a prisoner confesses before them the crime or misdemeanor with which he may have been accused, or confirms any former confession that he may have made of his having committed such crime or misdemeanor, the Judges are to be careful, in cases referrible to the Court of Circuit, to have such confession, or confirmation of a former confession, witnessed by two creditable persons, not being servants of the Government, who may be present at the time it may be made, to give it validity; and to cause such witnesses to be in attendance at the next sessions of the Court of Circuit. All confessions made by prisoners shall be free and voluntary; and notwithstanding such confessions, the Judges are invariably to summon, and bind over to attend at the next sessions, the witnesses to the commission of the crime or misdemeanor alleged against the prisoner, that they may be examined before the Court of Circuit in the same manner as if the prisoner had denied the charge.

Bail, if sufficient to secure attendance, may be admitted in all cases not prohibited by the Regulations.

Courts of circuit in certain cases may direct the judge to admit to bail persons accused of offences not bailable under the Regulations.

And may direct judges, wherein excessive bail may have been required by them, to receive such bail as may by the court of circuit be deemed sufficient.

LI. In all cases of trial before the Court of Circuit, if the admission of bail has not been prohibited by the Regulations, and the bail tendered shall appear sufficient for securing the appearance of the party accused, he shall be admitted to bail, until sentence be passed upon the charge against him; moreover, in special instances, wherein the Court of Circuit, on report from the Criminal Judge, or on other satisfactory information before them, may deem it just and proper to admit to bail a person charged with an offence not bailable, under the general provisions contained in the Regulations, that Court is declared competent to instruct the Judge to accept sufficient bail, instead of keeping the accused in confinement, whilst the charge against him is under trial. The Court of Circuit may likewise in all bailable cases, wherein the bail required by the Judge shall appear excessive, direct the Judge to receive such bail as may be deemed sufficient to answer the purpose intended by it.

Form of bail bond of persons to be tried before the court of circuit.

LII. The bail to be taken under the preceding Section, as well as in all cases of persons being held to bail for trial before the Court of Circuit, shall be according to the Form prescribed in No. 12, of the Appendix to this Regulation.

Prisoner to be questioned at the time of his being committed or held to bail, and his answer recorded on the judge's proceedings, with specification of any witnesses named by him.

LIII. In all cases of a prisoner being committed or held to bail for trial before the Court of Circuit, the Criminal Judge who may order him to be so committed or held to bail, shall, immediately after passing such order, question the prisoner whether he wishes to have any witness or witnesses examined in his defence before the Court of Circuit, and in the event of his answering in the affirmative, shall cause a list of the witnesses named by the prisoner, specifying their designations and places of abode, to be taken down and recorded upon his proceedings, or, in the event of the prisoner's replying in the negative, shall cause his reply to that effect to be recorded on his proceedings, for the information of the Court of Circuit.

Any witnesses named before the arrival of the court of circuit to be summoned to attend that court.

LIV. In the event of any person, whether committed or held to bail for trial before the Court of Circuit, at any time before the session of that Court, desiring the examination of any witness or witnesses upon his trial, although the same may not have been named by him at the time of his being committed or held to bail, the Criminal Judges are to be careful to cause the attendance of such witnesses, as well as of those before named, at the time fixed for the trial of the party who may desire their examination.

Rules respecting examinations taken before the judge.

LV. All examinations taken before the Criminal Judge are to be written on separate papers, signed by the deponents, attested by the signature of the Judge, and arranged according to their respective dates.

Depositions to be taken and written in the language in which the deponents may desire. Papers to be accompanied by a Persian translation, in cases of commitment only.

LVI. All examinations and depositions are to be taken and written in the language in which the deponents may desire to have the same recorded; and the Criminal Judges shall, in all cases of commitment, and in such cases only, accompany all papers written in the native languages, with a translation in the Persian language, which translation is to be compared with the original by the officers of the Court of Circuit.

Notice that the criminal judges are to give of the time by which the judges of circuit expect to arrive at their stations.

LVII. The Criminal Judges, upon receiving notice from the Judges of the Court of Circuit of the time by which they expect to arrive at their respective stations, shall cause public notice of it to be given by a written publication, requiring all persons discharged upon bail, and all prosecutors and witnesses who may have been bound over to appear, to attend by the date fixed for the arrival of the Court of

Circuit, under the penalty of forfeiting their recognizances in the event of their not attending. The Judges shall send a copy of this publication to the magistrates of the zillahs, who shall cause a copy of it to be fixed up in some public place in the principal town or village in each district in their respective zillahs.

Judges to be careful to cauſe the witneſſes on the part of perſons committed, or held to bail, to take their trial, to be in attendance by the time of the arrival of the courts of circuit.

LVIII. The Criminal Judges, previous to the arrival of the Court of Circuit at their respective stations, shall again ascertain from the persons committed or held to bail to take their trial, the names or places of abode of any witness or witnesses they may wish to have examined in their defence, and shall issue the customary process to cause such witnesses to attend at the time fixed for the trial of the persons in whose behalf they may be summoned.

Form of the calendar of the priſoners committed or held to bail to take their trial, to be ſubmitted by the judges to the courts of circuit upon their arrival at their reſpective ſtations.

LIX. The Criminal Judges are to have in readiness, to deliver to the Judges of the Court of Circuit upon their arrival at their respective places of residence, a calendar in the English and Persian languages, according to the Form prescribed in No. 13, of the Appendix to this Regulation.

Documents which are to accompany the calendar.

LX. The calendar is to be accompanied with the Criminal Judge's proceedings on each charge, which shall contain the following vouchers, or as many of them as, from the nature and circumstances of the case, may be requisite and procurable, with such other papers and documents as the Judge may have in his possession or deem necessary to be obtained, for the information of the Court of Circuit.

1st. An attested copy of the complaint or charge.

2d. An attested copy of the plaintiff's oath to the truth of the charge, in which is to be inserted, in cases of robbery and theft, the inventory of the money or property stolen or plundered, with the amount or computed value of it.

3d. The name or names of the person or persons apprehended.

4th. The examination of the person or persons apprehended.

5th. The further examination of the prosecutor on oath, in cases where any such examination may have been taken.

6th. A list of the witnesses summoned by the desire of the prosecutor, particularizing the names of such as may be in attendance, and those who are absent, with the cause of the non-attendance of the latter.

7th. The depositions of the witnesses who may have been in attendance.

8th. The names of the witnesses who may have been summoned at the requisition of the prisoner, specifying those who are in attendance, and such as are absent, and the cause of the non-attendance of the latter.

Further documents to be produced if required.

LXI. The following documents shall also be delivered, if required by the Judges of the Court of Circuit.

1st. The prosecutor's recognizance to appear and prosecute to the charge.

2d. The recognizances of the prosecutor's witnesses.

3d. A copy of the magistrate's warrant or summons for the apprehension or appearance of the offender.

4th. A copy of such examinations as may have been taken by the magistrate, or by any police officer under him.

Magiſtrates to furniſh the courts of circuit with the original returns of the nazir reſpecting ſummonſes to witneſſes not in attendance; both nazir and perſon deputed to attend the court of circuit.

LXII. The list of witnesses shall further be accompanied with the original returns made to the Criminal Judge by the nazir, and person deputed on his part to serve the summons on any witness who may not be in attendance, and the nazir, and person so deputed on his part, shall be kept in attendance on the Court of Circuit to answer any interrogatories which that Court may have occasion to put to him, to the end that the Court of Circuit may be enabled to ascertain the real cause of the non-attendance of any witness, by their own inquiry, and to evince to the Court of Superior Tribunal, in cases referrible to that Court, that all due measures have been taken to ensure the attendance of the witnesses, both on the part of the prosecutor and the prisoner.

LXIII. The

LXIII. The Criminal Judges are to lay before the Court of Circuit, upon their arrival at their respective places of residence, two separate calendars: the first containing a list of all persons whom they may have discharged for want of sufficient evidence to warrant the committing them to prison, or holding them to bail to take their trial for the crime or misdemeanor charged against them; and accompanied with their reasons for having released them, as prescribed in Section XLIX. of this Regulation; the second, comprising a list of the persons whom they may have punished for crimes or misdemeanors cognizable by them; the crime or misdemeanor with which the prisoners may have been charged, and the sentence passed upon them: these calendars shall be in the Form prescribed in Nos. 9 and 10, of the Appendix to this Regulation, and are to be accompanied with all the original papers and proceedings in each case; and if the Court of Circuit shall be of opinion, that any of the persons mentioned in the first calendar have been discharged, or the persons specified in the second calendar punished, upon insufficient grounds, the Judges of those Courts are hereby authorized, whenever any case so brought before them may appear not to have been sufficiently investigated, and a further inquiry may be practicable and requisite for the ends of justice, to direct such additional inquiry to be made by the Criminal Judges; and the result to be communicated to the Judges of the Court of Circuit collectively, for their orders on the case.

Two further calendars herein specified, to be submitted by the judges to the courts of circuit.

What papers and proceedings are to accompany these calendars.

The judges of circuit are authorized, whenever any case may appear not to have been sufficiently investigated, to direct a further inquiry to be made by the judge; and the result to be communicated to the court of circuit collectively, for their orders.

LXIV. Two or more Judges of a Court of Circuit, forming a Court at the sudur station, are hereby declared competent, on all occasions when it may appear necessary upon petitions presented to them relative to the proceedings of any Criminal Judge, or of an Assistant to a Judge within their jurisdiction, to call upon the Judge for his proceedings, or those of his Assistant, on the case; and to pass such orders thereupon as they may deem proper and consistent with the Regulations.

Two or more judges of a court of circuit, competent to call for the proceedings of a criminal judge, or his assistant, on occasion of petitions being presented to them relative to such proceedings; and to pass such orders thereupon as may be proper.

LXV. In like manner, the Court of Superior Tribunal are declared competent to call for the proceedings of any Court of Circuit, or of any Criminal Judge, or Assistant to a Judge, whenever it may appear requisite; and to pass such orders thereupon as that Court may deem just and proper.

The superior tribunal competent to call for the proceedings of the courts of circuit, and of the criminal judges, whenever requisite; and to pass such orders as may appear proper.

LXVI. If the Criminal Judge shall commit any zemindar, independent talookdar, or other actual proprietor of land, to be tried before the Court of Circuit, he is to notify the commitment to the collector of the zillah, that, if necessary, he may take measures to prevent any delay in the payment of the public revenue assessed upon the lands of the offender.

Judge to notify the commitment of proprietors of land to the collector of the zillah.

LXVII. The jail of the zillah shall be placed under the exclusive charge of the Criminal Judge of the zillah.

The zillah jail placed under charge of the judge.

LXVIII. The Criminal Judge shall visit the jail at least once in every month, and redress all well-founded complaints of ill-treatment which may be preferred to him by the prisoners against the jailor or any officer having charge of them: he is to be particularly attentive to the health and cleanliness of the prisoners, and to see that the surgeon of the station attends and administers to the sick.

Judges, how often to visit the jail, to redress all well founded complaints.

To attend to the health and cleanliness of the prisoners.

LXIX. Separate apartments in the jail shall be allotted for the following descriptions of prisoners.

Description of prisoners ordered to be confined in separate apartments.

1st. Prisoners under sentence of death.

2d. Prisoners sentenced to confinement, by a Criminal Judge, by the Court of Circuit, or the Superior Tribunal.

3d. Prisoners committed to take their trial before the Court of Circuit.

4th. Prisoners sentenced to confinement by the magistrate for petty crimes or misdemeanors cognizable by him. And as the crimes proved or alleged against the second and third descriptions of prisoners must be of different degrees of atrocity, the Criminal Judges are required to separate those who have been found guilty or accused of heinous crimes, from such as have been convicted of or charged with crimes of less magnitude. They are likewise to separate the male from the female

Further descriptions of prisoners to be confined in separate apartments.

Females to be kept separate from male prisoners, in all cases.

prisoners, so as to prevent their having any communication with each other; and the rules prescribed in this Section for keeping apart the several descriptions of the former, are to be considered applicable also to the latter. The Judges are further enjoined to endeavour to prevent drunkenness, gaming, and other immoralities being practised in the jails.

Charges and the orders passed upon them by the judge, to be recorded in English and the language of the district.

LXX. All complaints or charges, with the orders upon them, are to be recorded in the office of the Criminal Judge, in the English language and in that of the district in which the Court may be held.

Judges to pay the customary diet money to prisoners.

LXXI. The Criminal Judges are to pay the customary daily subsistence money to all prisoners, from the time of their being delivered over to them, to the date of their discharge.

The judges are to pay to persons released after a confinement of six months or upwards, a sum sufficient for a month's subsistence, if they stand in need of it, but in no case to exceed five rupees.

LXXII. The Criminal Judges are to pay to all persons who may be released from jail after an imprisonment of six months or upwards, calculating from the date of their sentences, and who shall appear to be in actual need of such assistance, a sum sufficient to maintain them for one month. The sum to be so paid to each individual, is to be regulated by his situation in life, but it is in no case to exceed five current rupees, and in every instance is to be confined as much within that amount, as may be consistent with the purpose for which the allowance is granted.

Judges to pay to prosecutors and witnesses two annas per day each, if they stand in need of it, during their attendance on the court of circuit.

LXXIII. The Criminal Judges are to pay to all prosecutors and witnesses who may appear to be actually in need of such assistance, a daily allowance of two annas of a rupee each, during their attendance on the Court of Circuit, and the same allowance for as many days as, in their opinion, may be sufficient for such prosecutors and witnesses to come from and return to their respective homes.

Amount of fines imposed, how to be disposed of.

LXXIV. The provisions of Section XXXVII. of this Regulation, respecting the imposition and disposal of fines by the magistrate, are hereby declared equally applicable to the office of Criminal Judge.

Judge to transmit the quarterly reports herein specified.

LXXV. The Criminal Judges are to transmit to the register of the Superior Tribunal quarterly reports, on the 1st of January, 1st of April, 1st of July and 1st of October, drawn out according to the Forms prescribed in Nos. 15, 16, 17, 18 and 19, of the Appendix to this Regulation, which shall contain the several particulars therein specified. The reports for each quarter are to be despatched from the several stations, so as to arrive at Bombay by the twentieth of the first month of the ensuing quarter.

As also further reports after each jail delivery, as herein specified.

LXXVI. The Criminal Judges are to transmit to the register to the Superior Tribunal, within twenty days after the Judges of Circuit have finished the business of the Circuit or jail delivery at their respective stations, reports, according to the Forms prescribed in Nos. 20 and 21 of the Appendix to this Regulation, which shall contain the several particulars therein specified.

Judges to submit, in the month of January, an annual report to the superior tribunal, containing the particulars herein specified.

LXXVII. The Criminal Judges are to transmit to the Superior Tribunal, in the month of January of each year, an annual report of all criminal cases depending before them, or their assistants respectively, on the 31st of the preceding month of December, according to the Form prescribed in No. 22, of the Appendix to this Regulation, which shall contain the several particulars therein specified.

Judges may call for certain documents from the zillah magistrate.

LXXVIII. The Criminal Judge may call for any documents required to be transmitted to him by the zillah magistrates under Section XXIII. of this Regulation, or by a police officer under Section XXVI, Regulation IV, of 1818, which may not be so transmitted. And it is hereby declared, that nothing in the existing Regulation is intended to prohibit a full and free communication between the Criminal Judge and the Magistrate, on all subjects connected with the discharge of their respective duties in those capacities.

The provisions of certain sections made applicable to the criminal judge.

LXXIX. Such parts of Sections II, III, and IV, of Regulation II, 1802, Section VIII, Clause seventh Section X, Sections XII, XIII, XIV, XXI and XXIII, Regulation VIII, 1812, Sections XI, XII, XIII, and XIV, Regulation IX, 1812, as refer to the magistrate, are hereby declared to be applicable to the Criminal Judge only.

Criminal judges and zillah magistrates to

LXXX. The Criminal Judges and Magistrates of the several zillahs, who have not already taken the prescribed oath of qualification to act as Justices of the Peace of

their

their respective districts, are required to do so within three months from this date; and all persons hereafter appointed to the station of Criminal Judge or Magistrate, are required to take the said oath within three months from the date of their appointment.

take the prescribed oath as justices of the peace.

APPENDIX.

No. 1.

Form of Warrant for Apprehension.

To

WHEREAS inhabitant of stands charged on the oath (or solemn declaration) of inhabitant of with the crime of

You are hereby directed to apprehend the said and produce him before the magistrate of the said zilla. In this fail not. Dated the day of A. C. corresponding with

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No. 2.

Form of Warrant requiring Bail or Security.

WHEREAS inhabitant of stands charged on the oath (or solemn declaration) of inhabitant of with the crime of

You are hereby directed to apprehend the said and to require bail in the sum of rupees for his appearance before the magistrate of the said zillah, on or before the You are further required to take security from the said for keeping the peace in the sum of rupees; if the said shall not give the bail and security above stated, you are directed to bring him before the magistrate of the said zilla. Herein fail not. Dated this day of A. C. corresponding with

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No. 3.

Form of Bail Bond for Appearance before the Magistrate.

WHEREAS inhabitant of stands charged with and is required to appear before the magistrate of the zillah of on or before the to answer to such charge; I hereby bind myself to produce the said before the said magistrate, on the date aforesaid, and to be answerable for his appearance, until a final order be passed by the magistrate upon the said charge. In default whereof, I further bind myself to forfeit to Government the sum of rupees In this I will not fail. Dated this day of A. C. corresponding with

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No. 4.

Form of Security Bond for keeping the Peace.

WHEREAS inhabitant of stands charged with and has been called upon to give security to keep the peace, whilst such charge is under investigation; I hereby declare myself security of the said that he shall not commit any act that can occasion a breach of the peace whilst the said charge is under examination. In default whereof I further hereby bind myself to forfeit to Government the sum of rupees Dated this

No. 5.

Form of Summons.

To inhabitant of

WHEREAS a complaint has been preferred on oath (or solemn declaration) by inhabitant of charging you with the crime you are hereby required to appear (in person or by vakeel) before the magistrate of the zillah of on or before the day of to answer to the said charge. Herein fail not. Dated the day of A. C. corresponding with

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No. 6.

Form of Summons when Bail is required.

To inhabitant of

WHEREAS a complaint has been preferred on oath (or solemn declaration) by inhabitant of charging you with you are hereby required to appear (in person or by vakeel) before the magistrate of the zillah of on or before the to answer to the said charge; you are further required to give bail in rupees for your appearance (in person or by vakeel) on the day aforesaid. Herein fail not. Dated the day of A. C. corresponding with

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No. 7.

ABSTRACT Statement of Robberies and other Crimes of a heinous nature ascertained by the Police Officers, or otherwise, to have been committed within the zillah of in the year of the number of Persons known or supposed to have been concerned in the commission of such Crimes; and of the number apprehended and delivered over to the Criminal Judge.

DESIGNATION AND NUMBER OF CRIMES.		Computed number of persons concerned.	Number apprehended and delivered over to the Criminal Judge.
1. Robbery and murder	10	100	50
2. Robbery without murder	20	200	100
3. Affrays and violent assaults, attended with homicide, maiming or wounding	20	200	100
4. Murder	5	20	10
5. Housebreaking	20	40	20
6. Thefts of considerable amount, or attended with aggravating circumstances	30	60	30
7. Receiving stolen goods	20	20	20
8. Arson, when committed distinctly from other offences	5	20	10
9. Rape	2	2	2
10. Adultery	4	4	4
11. Perjury	10	10	10
12. orgery	5	5	5
TOTAL	151	681	361

Note.—Remarks to be subscribed on the increase or decrease of any particular designation of crime, or the greater or less number of persons concerned or apprehended, or on any other circumstance which may call for observation.

No. 8.

Form of Warrant of Commitment.

To the Keeper of the Jail at

WHEREAS *A. B.* having been convicted of (here specify the offence) was sentenced by me under this date, to be imprisoned for and during the space of days from the date hereof. Now you are hereby required to receive the said *A. B.* into your custody in the said jail; and there safely to keep him the said *A. B.* until the expiration of the said days from the date hereof; and then to release him.

Given under my hand and seal at in the zillah of in the year of our Lord 181

No. 9.

CALENDAR of Persons discharged by the Magistrate of the zillah of

No.	Names.	Offence.	Date of Apprehension.	Date of Release.	Reasons.
1	Rameah - - -	Murder - -	1st January	10th Jan. -	Want of Evidence.
2	Venkatah - - -	Highway robbery	10th March	15th March	Charge groundless.

No. 10.

CALENDAR of Persons punished by the Magistrate of the zillah of

No.	Names.	Offence.	Punishment.	Date.
1	Ramah - - - - -	Assault - -	6 Rupees fine -	5th December.
2	Mootoo - - - - -	Petty Theft -	12 Rattans - -	„

No. 11.

Form of Oath to be administered to the Criminal Judges.

I, *A. B.* appointed Judge of the zillah of solemnly swear, that I will to the best of my ability preserve the peace of the sudur station of the Zillah Court over which my authority extends; that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fee, reward or emolument whatsoever, in the execution of, or on account of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council do or may expressly authorize; and that I will perform the duties of my office according to the best of my knowledge, abilities and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council. So help me GOD.

No. 12.

Form of Oath to be administered to the Assistants to the Criminal Judge.

I, *A. B.* Assistant to the Criminal Judge of the zillah of solemnly swear, that I will to the best of my ability assist the said Criminal Judge in preserving the peace of the sudur station of the Zillah Court over which his authority extends; that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fees, emolument or reward whatever, in the execution of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council

do

do or may expressly authorize; and that I will perform the duties of my office according to the best of my knowledge, abilities and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council. So help me GOD.

No. 13.

Form of Bail Bond.

WHEREAS inhabitant of stands charged with and has been admitted to bail by the Criminal Judge of on condition of his appearance to stand his trial on the said charge before the Court of Circuit for the division of I hereby bind myself to produce the said before the said Court of Circuit at their next session of the zillah of on the date whereupon his appearance may be required either by a general proclamation, or by a special notice from the Judge; and to be answerable for his appearance before the Court of Circuit until a final sentence be passed upon the said charge; in default whereof, I further bind myself to forfeit to Government the sum of rupees In this I will not fail. Dated

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No. 14.

CALENDAR of the Prisoners committed or held to bail by the Criminal Judge of the zillah of to take their Trial before the Court of Circuit for the Division of

No.	Names of the Parties.	Abstract of the Charges, and Date on which they were preferred.	Date of the apprehension of the Offenders.	Names of the Prosecutors Witnesses.	Abstract of the Examination Grounds and Date of Commitment for Trial.	Names of Prisoners held to bail.	Names of the Witnesses on the part of the Prisoners.

No. 15.

REPORT of Persons apprehended in the zillah of and delivered to the Criminal Judge in the months of January, February and March 18

No.	Names.	Abstract of the Crime or Charge.	Date of Apprehension.	Punished, and in what manner.	Released, or if allowed a Fine.	Committed, and the Date of Commitment.	Before what Court of Circuit to be tried.

ABSTRACT:

Punished - - - - - - - ,,
Committed - - - - - - - ,,

Total ,,

Note.—If before the close of the quarter, a greater number of persons charged with crimes may be brought before the Criminal Judges than they are able to examine and proceed with, as prescribed, previous to the expiration of it, the Judges in such cases are to insert the names of persons in that predicament, in the above Report of Persons apprehended, in an additional column, under the head of "not examined."

No. 16.

REPORT of Casualties, and of Prisoners released in the zillah of . in the months of January, February and March 181

No.	Name.	Crime.	Removal to what Places, and when.	Natural Death, and when.	Escaped, and when.	Released, and when.

No. 17.

REPORT of Sentences of the Superior Tribunal received in the first Quarter, ending the 31st of March 181

No.	Name.	Date of Commitment.	Crime.	Date of Reference.	Sentence.	Sentence when passed.	When enforced.

ABSTRACT:

Death - - - - - - - -	,,
Imprisonment for life - - - - - -	,,
Temporary imprisonment - - - - -	,,
Stripes - - - - - - - -	,,
Released - - - - - - - -	,,
Total	,,

No. 18.

REPORT of Prisoners under the charge of the Judge, to be tried on the 31st March 181

No.	Names.	Crime.	Date of Commitment.	At large upon Bail.	In Jail.

ABSTRACT:

In confinement - - - - - - -	,,
At large upon bail - - - - - -	,,
Total	,,

No 19.

REPORT of Prisoners tried, and whose Cases have been referred to the Superior Tribunal, and on whom the Sentence of that Court has not been received.

No	Name.	Date of Commitment.	Crime.	Date of the Trial.	When referred.

ABSTRACT:

Referred in former quarters - - - - ,,
Referred in the present quarter - - - ,,

Total ,,

31st March
181

No. 20.

REPORT of Prisoners on whom Sentence has been passed by the Court of Circuit for the Division of in the first Session of 181 . without reference to the Superior Tribunal.

No.	Name.	Date of Commitment.	Crime.	Date of the Trial.	Sentence.	Sentence when passed.	When enforced.

ABSTRACT:

Punished with stripes - - - - ,,
Imprisoned - - - - - - ,,
Fined - - - - - - - ,,
Released - - - - - - - ,,

Total ,,

No. 21.

REPORT of Prisoners confined under Sentence to the of

No.	Name.	Imprisonment for Life.	Temporary Imprisonment.	Date of Commitment.	Sentence when passed.

ABSTRACT:

Imprisonment for life - - - - - ,,
Temporary imprisonment - - - - ,,

Total ,,

No. 22.

REPORT of Criminal Cases depending before the Criminal Judge of the zillah of and his Assistants, on the 31st of December 181

No.	Names of the accused.	Whether in confinement or under bail.	Crime charged.	Date of Charge.	Date of Apprehension, or first Appearance of the accused.	Explanations of considerable delay, or other Remarks.

A. D. 1818. REGULATION IV.

A REGULATION for the establishment of a general system of Police throughout the Territories subject to the Government of Bombay:—Passed by the Right honourable the Governor in Council of Bombay on the 10th June 1818; corresponding with the 6th of Jest Sood, Sumbut or Vekramajet era 1874; Salbahan 1740; and 5th Shaban 1233 of the Hijree.

Preamble.

IT being expedient that a system of police, founded chiefly upon the ancient usages of the country, should be established throughout the territories subject to the Government of Bombay, and that the powers and authorities of the several classes of persons to be entrusted with the performance of police duties, should be defined; the Right honourable the Governor in Council has been pleased to enact the following Rules, to have effect from the 1st of August 1818 inclusive.

Present establishment of foujdars and tanahdars abolished.

II. The present establishments of foujdars and tanahdars, shall from the first day of August 1818, be abolished; and the duties heretofore discharged by those persons, shall be performed by persons of the descriptions hereinafter mentioned.

The persons by whom police duties are hereafter to be discharged.

1st. Heads of villages, as described in Section III. of this Regulation, aided by tulaties or village registers, burtuneyas, rowneeas, and other village watchers.

2d. Koomashdars or native collectors of districts, by whatever name designated, with the assistance of goomashtas, mehtas, and establishments of peons.

3d. Zumeendars.

4th. Umeens of police.

5th. Kotewals and their peons.

6th. Magistrates and their assistants.

7th. Criminal Judges in charge of police at the sudur stations of the Zillah Court, and their assistants.

Heads of villages to be heads of police in their villages.

III. *First.*—Heads of villages shall be heads of police of their respective villages.

Heads of villages described.

Second.—In villages where there may be more than one head-man coming under the denomination of patels, puteedars, or other designation, the person who collects the revenue, and under whose authority the village servants act, shall be considered as the head of the village; no person shall act as head of the village, who does not generally reside in it; where the head of the village is not resident, the person who rents or manages the village under him shall be considered as the head of the village.

In doubtful cases, heads of villages to be selected by the collector.

Third.—Where, from the names of two or more persons being introduced into the same peeta, as heads of the village, or from any other cause, doubts may arise as to whom the office of head of the village belongs, the collector shall select one person, and give him a peeta to act as the head of the village.

Heads of villages to apprehend offenders, and to forward them to the police office in the district.

Exception.

IV. *First.*—Heads of villages are authorized and directed to apprehend all persons charged with committing crimes or offences, or breaches of the peace, and all persons accused of injuring the public buildings, roads, tanks and water channels; and, except in the trivial cases wherein they are authorized by Section IX. of this Regulation to inflict punishment, they shall forward the persons, whom they may apprehend, together with the accusers and witnesses, to the police officer of the district.

Heads of villages not to receive confessions.

Nor to detain any person in their custody longer than twenty-four hours.

Second.—Heads of villages shall not receive from any person whom they may apprehend any confession, either verbally or in writing, except in the trivial cases referred to in the preceding Clause; nor shall they on any account, except the accused person be in such a state as to render his removal improper, detain any person in their custody longer than twenty-four hours.

Heads of villages authorized to call upon the inhabitants generally for assistance.

Proviso.

V. In cases of emergency, the head of the village is authorized to call upon the inhabitants generally, to assist him in securing offenders: and all the inhabitants of the village are hereby required to co-operate with him on such occasions; provided that no person who is prohibited by the rules of his cast, or profession, from performing such service, shall be compelled so to do.

Heads of villages authorized to call on the heads of neighbouring villages for assistance.

VI. If heads of villages shall be unable with the persons at their command, and the people of their own villages, to apprehend the parties accused, they shall have authority to call on the heads of neighbouring villages for assistance: and all heads of villages are hereby required to afford the most prompt assistance, whenever they may be called upon by their neighbours so to do.

Heads of villages to communicate to each other information on subjects connected with the peace of their respective villages.

VII. Heads of villages shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers or suspicious persons having entered or taken refuge in each other's villages; and shall co-operate in all things for the apprehension of offenders, and the general security of the country.

Heads of villages to report to the police officers of the districts, the arrival of suspicious persons in their respective villages.

VIII. Heads of villages shall report to the police officer of the district, the arrival in their villages of strangers of suspicious appearance, and all information which they may be able to collect concerning such persons.

Heads of villages authorized to inflict punishment in certain cases.

Limitation of punishment.

IX. *First.*—In cases of a trivial nature, such as abusive language, and inconsiderable assaults or affrays, heads of villages shall have authority, on a verbal examination, either to dismiss the parties, or if the offence charged shall be proved to have been committed by the persons accused of it, and shall appear deserving of punishment, to confine the offending parties in the village chowra, for a time not exceeding twelve hours; or if the offending parties shall be of any of the lower casts of the people, on whom it may not be improper to inflict so degrading a punishment, to order them to be put in the stocks, for a time not exceeding six hours.

Heads of villages to report to the police officer of the district all cases wherein they have inflicted punishment.

Second.—Heads of villages shall report to the police officer of the district, all cases in which they shall have exercised the power of punishment granted to them by the first Clause of this Section; but it shall not be necessary for them to report the cases in which they may dismiss parties.

Heads of villages, how to proceed on receiving information of stolen property.

X. *First.*—Where heads of villages may have credible information of stolen property being concealed, and there may be reason to apprehend that it will be made away with unless prompt measures be taken to secure it, they shall cause search to be made, and the property, if found, to be secured and forwarded with the offender to the police officer of the district. If the place of concealment be a dwelling-house, the search shall be made only between sun-rise and sun-set.

Heads of villages to apprehend and send to the police officer all persons found selling property suspected to be stolen.

Second.—Heads of villages shall apprehend and send to the police officer of the district all persons who may be found selling property, which there may be reasonable ground to suspect has been stolen, and of which such persons may not be able to give a satisfactory account.

Third.—Heads of villages shall also send to the police officer, along with the persons accused of selling stolen property, such persons as may be able to give an account of the circumstances of the case.

To send also to the police officer the persons acquainted with the circumstances of the case.

XI. Heads of villages shall take charge of all stray cattle, horses, sheep and other strays of which the owners may not be known, and shall report each case to the police officer of the district.

Heads of villages to take charge of all strays, and to report each case to the police officer of the district.

XII. *First.*—The head of the village, on receiving information of the discovery of the body of a person supposed to have been murdered, shall immediately proceed to the spot with the village register and two or three respectable inhabitants, in whose presence he shall examine every person who may be able to afford any information regarding the discovery of the body, and its appearance when discovered; or regarding the murder of the deceased, if the body should have been deprived of life by murder.

Heads of villages how to proceed on the discovery of dead bodies.

Second.—The head of the village, on receiving information of the discovery, shall also, without delay, send notice of it to the police officer of the district; and if the police officer shall arrive at the spot in time to inquire into the circumstances under which the body may have been discovered, the inquiry shall be conducted under his superintendence.

Heads of villages to send notice of the discovery of dead bodies to the police officer of the district.

Third.—If the police officer should not appear to conduct the inquiry, the head of the village shall cause the village register to take down in writing the evidence of the persons who may be examined, and to record any necessary particulars respecting the appearance of the body, and to frame a report of the whole proceedings. The head of the village shall attest such report with his signature, and having procured it to be attested by two or more of the inhabitants who may be present at the investigation, and by the village register, he shall forward it to the police officer of the district, with the evidence he may have taken.

Heads of villages how to proceed if the police officer should not appear to conduct the inquiry.

Fourth.—If on the proceedings of the head of the village, there shall in any case appear ground for suspecting any person or persons, who may be within his jurisdiction, of having committed the murder, the head of the village shall immediately apprehend and send such person or persons to the police officer of the district.

Heads of villages to apprehend and send to the police officer of the district any person suspected of committing the murder.

XIII. Village registers shall keep registers, according to the following Form, of persons confined by the heads of villages under Section IX. of this Regulation; and these registers shall be transmitted monthly by the heads of villages to the police officers of their respective districts, to be forwarded to the magistrate.

Registers of persons confined by heads of villages to be kept by village registers.

And transmitted monthly to the police officer of the district.

REGISTER of Persons punished in the Village of in the month of

Form of Register.

No.	Name.	Offence.	Punishment.	Date.
1	Jeewan Bhookun - -	Drunken riot - - -	{Confinement in the stocks for six hours - -- -}	1st.
2	Lukhmeedas Peetanber -	Abusive language - -	12 hours confinement -	2d.
3	Suved Hoosein Suyed Jafur	Assaulting a woman -	12 hours confinement -	3d.

XIV. Village watchers, by whatever local name distinguished, shall perform their customary police duties, under the immediate authority of the heads of their respective villages; but they shall not be called upon to make compensation for losses by theft.

Village watchers to perform police duties.

Not to make compensation for losses by theft.

XV. In villages, where the office of village watcher does not exist, and where it appears that the duty cannot be discharged by any of the other village servants, village watchers shall, when necessary, be appointed by the magistrate, and shall, as far as possible, be selected from D'hers, B'heels and other casts best qualified for police duties.

Village watchers to be appointed to villages where none exist.

From what classes of persons to be selected.

XVI. *First.*—The office of village watcher, wherever it may be found to exist, and wherever it may be hereafter created, under the provisions of the preceding Section, shall be hereditary.

The office of village watcher to be hereditary.

Death of village watcher to be reported to the police officer of the diſtrict. And the name of the ſucceſſor to the office.

Second.—Upon the death of any village watcher, the head of the village shall report the same to the police officer of his district, for the information of the magistrate; and also the name of the person who may have succeeded by inheritance to the office.

Allowances made to village watchers appointed under Section XV. of this Regulation.

XVII. Village watchers appointed under Section XV. of this Regulation, shall be entitled to receive such allowances in land, grain or money, as Government may allot for their maintenance; and the allowances thus made, shall be hereditary in their families.

Village watchers to be deprived of office only by ſentence of the magiſtrate or a ſuperior authority.

XVIII. *First.*—No village watcher shall be deprived of his office, but by the sentence of the magistrate, or of a superior judicial authority; and in such case, the heir of the person so deprived of his office, shall succeed to it.

The magiſtrate to appoint to the office of village watcher on failure of heirs.

Second.—In failure of heirs on the death or dismissal of a village watcher, the magistrate shall appoint a person to the office.

Village watchers liable to be ſuſpended for neglect of duty.

XIX. Village watchers shall be liable for neglect of duty to be suspended from the office by the magistrate, for a period not exceeding six months.

Village watchers to apprehend and carry before the head of the village, perſons found or accuſed of committing offences.

XX. Village watchers shall apprehend persons whom they may discover committing any criminal act or breach of the peace, and carry them before the head of the village. They shall likewise apprehend and carry before the head of the village, all persons charged with committing offences or breaches of the peace, and shall require the prosecutor to accompany them.

Village watchers to report ſuſpicious perſons to the village regiſter and head of the village.

XXI. Village watchers shall report to the village register and the head of the village, all suspicious persons, either residing in or passing through the village.

Village watchers to give information of all that concerns the peace and good order of the village.

XXII. Village watchers shall likewise report to the village register and head of the village, all information which they may obtain connected with the peace and good order of the village; and they shall, in all things connected with their duty, obey such orders as they may receive from the heads of their respective villages.

Kotewals and their peons to be ſubject to the koomaſhdar and head of the village.

XXIII. Kotewals and their peons, wherever it may be necessary to employ them, shall be subject to the authority of the koomashdars and heads of the villages; and shall be directed by their orders, in all police duties, in furnishing supplies for travellers, and in the maintenance of the peace.

Koomaſhdars or native collectors of diſtricts to be, ex officio, heads of the police of their reſpective diſtricts.

XXIV. *First.*—Koomashdars or native collectors of districts, by whatever name designated, shall, ex officio, be heads of the police of their respective districts; they shall be charged with the maintenance of the peace; and they shall report to the magistrate all acts which they may do, and all material information which they may receive, connected with their police duties.

The revenue ſervants to perform police as well as revenue duties.

Second.—The gomashtas, mehtas and peons, who are or may be employed under koomashdars of districts, shall perform the duties of police as well as revenue duties; and they shall be considered officers of police as well as revenue servants.

Koomaſhdars to aſſiſt the village police.

XXV. *First.*—Koomashdars shall render all possible assistance to the village police, on or for the apprehension of offenders.

Koomaſhdars to ſend peons to markets, &c.

Second.—They shall also send peons to markets, fairs and other public meetings in their district, in order to preserve the peace.

How to proceed on information of heinous offences.

XXVI. *First.*—Upon a complaint being made to a koomashdar, of any murder, robbery, house-breaking, theft of a considerable amount or attended with aggravating circumstances, setting fire to a house or other buildings, counterfeiting the coin, or other heinous offence, he shall make such inquiries as may be necessary to ascertain whether any credit be due to the accusation; and if it shall appear to be worthy of credit, he shall immediately make every exertion to apprehend the person or persons who may be accused, or to whom suspicion may attach of having committed the offence.

What evidence to be taken in theſe caſes by koomaſhdars.

Second.—When the accused or suspected persons shall be brought before the koomashdar, he shall take down in writing, in their presence, the depositions of the witnesses who may be present; and if in the course of the inquiry it shall appear that there are other persons who may be able to give evidence material to the case, he shall summon such persons and take their depositions.

Third.

Third.—The koomashdar shall also receive the confession of the prisoner in any case in which the prisoner may make a free and voluntary confession, and cause the same to be reduced to writing, and signed, or if the prisoner should be unable to write, marked by the prisoner in the presence of two or more respectable persons, not being servants of the Government. Koomashdars may receive confessions of prisoners.

Fourth.—So soon as the koomashdar shall have finished the investigation, which shall be completed within forty-eight hours if possible, he shall forward his proceedings, with the prisoner and witnesses, to the Criminal Judge of the zillah, with a report in the following Form: Koomashdars to forward their proceedings to the criminal judge.

REPORT of the Koomashdar of respecting the Prisoner charged with Report.

Name of Prisoner.	Crime.	Date of Charge.	Date of Apprehension.	Name of Prosecutor.	Name of Witnesses.	List of Depositions.
Chundeea Rohva.	Murder.	1st Jan.	5th Jan.	Abdoola Qasim.	Ameer Moohummud. Rameshwar Gunnesh.	1st, Deposition of Prisoner. 2d, of Prosecutor. 3d, of Ameer Moohummud. 4th, of Rameshwar Gunnesh.

Date Signature of the Koomashdar.

Note.—If a delay of more than forty-eight hours should occur, an explanation of the cause of such delay is to be stated at the bottom of the report.

Fifth.—The Criminal Judge shall, immediately on the receipt of such paper, certify on the back of it whether or not the prisoner and documents have been received, and shall return it by the police peon to the koomashdar, and no other communication shall be necessary. The judge to certify on the back of the paper, the receipt of the prisoner and documents.

XXVII. If a prisoner should, in his confession made before a koomashdar, criminate another person, the koomashdar shall secure such person; and provided the accusation be corroborated by any persons who may appear or be brought by summons before the koomashdar, he shall forward such accused person to the criminal Judge, together with the witnesses and his proceedings in the case, as is directed in the preceding Section. Koomashdar how to proceed if a prisoner in his confession criminate another person.

XXVIII. Upon the arrival of persons charged with any heinous offence, who may have been apprehended and forwarded to the koomashdar by heads of villages, the koomashdar shall proceed as directed in the two foregoing Sections. How the Koomashdar is to proceed, on persons charged with heinous offences being sent to him by heads of villages.

XXIX. Any officer of police, or other person maltreating a prisoner or witnesses, for the purpose of obtaining information or confession, shall be subject to punishment by the magistrate, according to the nature of the case; and should the offence be of an aggravated nature, the party offending shall be forwarded to the Criminal Judge, to be punished by him, or committed for trial before the Court of Circuit. Officers of police or others, maltreating a prisoner or witness, how punishable.

XXX. In cases of bailable offence or misdemeanor, which shall not appear to require the immediate apprehension of the party accused, the koomashdar shall summon him in writing, and take his declaration, and if necessary, the depositions of any witnesses to the truth of the charge; he shall then take security for the appearance of the party accused, together with the accuser and witnesses, on a stated day, before the magistrate; to whom he shall immediately report the case and transmit the depositions. Koomashdars how to proceed in certain bailable cases.

XXXI. *First.*—In trivial offences bail shall not be required, unless there is reason to believe that the party accused means to abscond. Bail not to be required in trivial cases. Exception.

Second.—If the charge in such cases shall appear groundless, or if the parties shall agree, in writing, the plaintiff to withdraw, and the defendant to permit the withdrawing of the complaint, the writing being attested by two creditable witnesses, the koomashdar shall dismiss the complaint, without making any report thereof to the magistrate. Koomashdar to dismiss trivial complaints in certain cases.

Koomaſhdar how to proceed on complaint of offences ſpecified in Section IX.

XXXII. *First.*—Where complaints of offences of a trivial nature, such as are specified in Section IX. of this Regulation, may be preferred to a koomashdar in the first instance, he shall inquire into the same, and if the offence be proved, he shall have authority to punish the offender, by imposing on him a fine not exceeding one rupee, or by confining him in the chowra for a time not exceeding twenty-four hours, or if he shall be of any of the lower casts of the people, by putting him in the stocks for a time not exceeding six hours.

To forward monthly regiſters of puniſhments to the magiſtrate.

Second.—The koomashdar shall keep registers of punishment according, to the Form prescribed in Section XIII. of this Regulation, to be forwarded monthly to the magistrate.

Koomaſhdars to communicate to each other, information on ſubjects connected with the peace of their reſpective diſtricts.

XXXIII. Koomashdars of districts shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's districts, and shall co-operate in all things for the apprehension of offenders, and the general security of the country.

Police officers to purſue offenders into any diſtrict or zillah.

XXXIV. *First.*—Koomashdars and the officers acting under them shall have authority to pursue offenders into whatever district or zillah they may fly, and to require the officers of police in such district or zillah, and if necessary, the inhabitants in general, to assist them in securing the offenders; and such police officers and inhabitants shall immediately afford the required assistance. Koomashdars and other police officers apprehending persons within a different zillah from that to which they belong, on a warrant from a magistrate, or in consequence of a pursuit on a hue and cry raised against such persons, shall bring them before the magistrate of the zillah in which they may be apprehended, and report the cause of the seizure of such persons. If such persons shall be apprehended under a warrant issued by the magistrate of another zillah, and the magistrate of the zillah in which they may be apprehended shall be satisfied of the identity of such persons with those intended by the warrant, he shall affix his signature to such warrant, which shall be a sufficient authority for the police officers to convey the offenders from the zillah in which they may be apprehended, to the magistrate in whose jurisdiction the offence may have been committed; but if the persons apprehended and brought before such magistrate shall appear not to be those intended by the warrant, he shall forthwith cause them to be released.

Magiſtrate how to proceed on the offences being brought before him on a warrant.

Magiſtrate how to proceed on offenders being brought before him without a warrant.

Second.—If the parties shall be apprehended without a warrant or information given to the police officers, or on hue and cry, the magistrate within whose jurisdiction they may be apprehended, shall investigate the case, and if he shall be satisfied that there is sufficient cause for bringing the parties before the magistrate in whose jurisdiction it may be alleged that they have committed offences, he shall forward them, with a letter, to such magistrate; but if the magistrate shall be satisfied, that the alleged offence or offences have not been committed, or that there is no ground to suspect the persons apprehended to have been concerned in committing such offence or offences, he shall forthwith cause them to be discharged.

Koomaſhdars, in all poſſible caſes, to proceed to the ſpot where a murdered body may be found.

XXXV. The koomashdar in all cases of murder within his district, shall himself, if possible, proceed to the spot, examine the body, the place where it was first found, and all other circumstances that may be likely to lead to the discovery of the perpetrators of the crime.

Koomaſhdars how to proceed on receiving information of ſtolen property.

XXXVI. Where koomashdars may have credible information of stolen property being concealed, and there may be reason to apprehend that it will be made away with, unless prompt measures be taken to secure it, they shall cause search to be made, and the property, if found, to be secured and forwarded with the offender to the magistrate. If the place of concealment be a dwelling-house, the search shall be made only between sun-rise and sun-set.

When there may be no koomaſhdar, the magiſtrate empowered to entruſt the ſame authority to other revenue ſervants.

No police officer to be eſtabliſhed in certain zemindaries without the ſanction of Government.

Exception.

XXXVII. In districts where, from the land rent being paid directly to the collector, there may be no koomashdars, the magistrates shall grant to the most respectable native revenue servant employed in the collection of the customs, or other dues of Government, the same police authority as is vested in koomashdars. But in the ancient zemindaries, whose revenues have always been under the exclusive management of the zemindars themselves, the magistrate shall not establish any police officer, except in such places as foujdars may have already been established, without the previous sanction of the Governor in Council.

XXXVIII.

XXXVIII. Magistrates are authorized to grant, upon their own responsibility, to zemindars who may be desirous of acting as heads of police, and whom they may consider to be qualified for the office, sunnuds to act as such within the limits of their respective zemindaries only. The magistrate shall prescribe to the zemindars in their commissions, the whole or such part of the duties and authority vested by this Regulation in koomashdars, as they may deem proper.

Magistrates in certain cases to vest zemindars with police authority.

XXXIX. In large towns where it may be found that the police duties cannot be conducted by the head inhabitant, the magistrate shall appoint a person to act as umeen of police, either immediately under his own orders, or under the koomashdars of the district; and either with the police powers vested in heads of villages, or with those vested in koomashdars by this Regulation, as may appear expedient.

Umeens of police to be appointed in large towns.

XL. In towns where, from the resort of Europeans, the employment of a native as umeen of police, may be found insufficient, an assistant magistrate shall be stationed, and shall within his jurisdiction have the same police authority as is granted to the magistrate by this Regulation, or such part of it as may be deemed expedient by the magistrate.

Assistant collectors to be charged with police duties in certain towns.

XLI. No police officer shall entertain complaints of petty offences, unless such complaints shall be preferred within three months from the date of the act complained of. It shall be at the option of the parties, however, to prefer complaints of such petty offences to the magistrate, at any time; and if the delay shall be shown to have been unavoidable, the magistrate shall have authority to receive and investigate such complaints.

Limitation of time for the admission by police officers of petty complaints. Such complaints may be received by the magistrate at all times.

XLII. All persons are authorized and directed to secure strangers or suspicious persons, who may be found offering property for sale or in pawn, at a price evidently below its real value, or removing property under suspicious circumstances at an unseasonable hour of the night, and to bring them, with the least possible delay, before the police officer of the jurisdiction in which the offence may be committed.

Persons tendering property for sale, or pawn, under suspicious circumstances, to be arrested.

XLIII. *First.*—For extortion, oppression or other abuse of authority, koomashdars, zemindars, umeens of police, heads of villages and all police officers, may be prosecuted by the injured party, either criminally before the magistrate, or for damages in the Zillah Court; provided the charge or complaint shall be preferred within three months from the date of the act complained of.

Police officers liable to prosecution for abuse of authority.

Proviso.

Second.—If the charge shall be preferred to the magistrate, and proved by sufficient evidence to his satisfaction, he is hereby empowered to punish the offender, by fine not exceeding fifty (50) rupees, or by imprisonment for a term not exceeding one month.

Magistrate empowered to punish police officers for abuse of authority.

XLIV. Persons preferring complaints or charges, under the preceding Section, which shall on investigation prove to be false, frivolous or vexatious, shall be punishable by fine not exceeding fifty (50) rupees, or by imprisonment for a term not exceeding one month, to be adjudged by the Court by which the complaint or charge may have been tried.

Punishment for vexatious prosecution for abuse of authority.

XLV. Koomashdars and other police officers acting under them, shall not take cognizance of cases of adultery or fornication.

Police officers not to take cognizance of cases of fornication and adultery.

XLVI. The magistrates shall be charged with the maintenance of the peace within their respective zillahs; provided, however, they shall have no jurisdiction within the city or town and suburbs, the seat of the Zillah Court, or port or river belonging thereto: and whenever their establishments may be insufficient to resist banditti or other disturbers of the public peace, they shall apply for assistance to the nearest military station, in the manner prescribed by the Regulations in force.

Magistrates charged with the maintenance of the peace of their district.

Exception.

XLVII. The police establishment which may be transferred to the collectors as magistrates, shall not be considered as distinct from the revenue establishments, but shall be equally employed in police and revenue duties, as occasions may require.

Police peons to be considered revenue servants as well as officers of police.

XLVIII. The magistrates shall require all manufacturers of fire-arms and offensive weapons, to take out licenses from their offices within a certain day, of which due notice shall be given; and any person who shall be found after that period manufacturing such weapons without license, shall be liable to be punished by the

Manufacturers of fire arms to take out licenses from the magistrates.

magistrate, by a fine not exceeding fifty rupees. But nothing in this Section shall be construed to prohibit the manufacture of arms, or the inhabitants from keeping them for their defence.

Magiſtrates to communicate to each other information on ſubjects connected with the peace of their zillahs.

XLIX. Magistrates shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's districts; and shall co-operate in all things for the apprehension of offenders, and the general security of the country.

Magiſtrate and officers under him, to prevent forcible occupation and ſeizure of lands or crops.

L. *First.*—The magistrate, and under his orders the koomashdars and heads of villages, shall have authority to prevent the forcible occupation or seizure of lands or crops.

On riotous aſſemblages about ploughing lands not in the occupation of any one to determine who ſhall plough them till the diſpute be ſettled.

Second.—When riotous assemblages are formed in consequence of disputes respecting the right of ploughing any waste or uncultivated lands, which may not be in the possession or occupation of any person, the magistrate, and under his orders the koomashdars and heads of villages, shall have authority to determine who shall plough them for the present, in order that cultivation may not be impeded by the land being kept uncultivated, while the trial, which the parties may seek, is depending; but in all the cases specified in this Section, the parties shall be at liberty to seek redress from any competent jurisdiction.

The ſame proviſions applicable to the forcible occupation or diverſion of water for cultivation.

Third.—The provisions of the two preceding Clauses shall be considered as equally applicable to the forcible occupation or diversion of water for cultivation.

Strays, how to be diſpoſed of.

LI. The strays referred to in Section XI. of this Regulation, of which the owner cannot be found, shall, after the expiration of three months, be sold by public auction, by order of the magistrate; and if, within six months more, no person shall appear to claim the proceeds, the amount thereof, after deducting the expenses incurred, shall be carried to the credit of Government.

Magiſtrates to determine the rate of hire to be paid by travellers to palankeen bearers, &c.

LII. Magistrates are authorized to determine the rates of hire to be paid, in their respective districts, by travellers to palankeen bearers, coolies and boatmen, and for draught and carriage cattle; and the rates so determined shall be made public by a table authenticated by the signature of the magistrate, copies of which shall be kept by the police officers at the several stations in the district, for reference: provided, however, that the resident inhabitants, in their ordinary transactions, shall not be bound to abide by the rates specified in the table authenticated as aforesaid.

Proviſo.

Magiſtrates may receive complaints of frauds committed in uſing falſe weights and meaſures.

LIII. Magistrates shall have authority to receive complaints regarding frauds committed in using false weights and measures; and in such cases shall proceed as directed in Section XXX, Regulation III, A. D. 1818.

Criminal judges charged with the maintenance of the peace at the ſudur ſtation.

LIV. The Criminal Judges shall be charged with the maintenance of the peace in the city or towns and suburbs in which the Zillah Court may be situated, as well as in the port and river which may belong thereto, under the Rules and Regulations already in force for the guidance of magistrates, as well as such parts of this Regulation as may be applicable to them.

Criminal judges and zillah magiſtrates to communicate to each other information on ſubjects connected with the peace of their juriſdiction.

LV. Criminal Judges and zillah Magistrates shall reciprocally communicate any information which they may receive of offences, gangs of robbers or suspicious persons having entered or taken refuge within each other's jurisdiction; and shall co-operate in all things for the apprehension of offenders, and the general security of the country.

Claims on villages on account of ſtolen property, if denied, are to be ſued for in the civil courts.

LVI. In all cases where the custom of the country warrants a claim for the restoration of stolen property, or its value, from a village, into the boundaries of which the footsteps of thieves may have been traced through the means of pugees, or in any other case, the claimants, in case of restitution being denied by the village, shall be at liberty to institute their suit for the recovery of the amount in the Civil Courts of Judicature.

Koomaſhdars, &c to receive ten per cent. on all ſtolen property recovered through their means.

LVII. Koomashdars and umeens of police shall, in addition to their salaries, be entitled to receive from the owners, ten per cent. on the value of all stolen property recovered through their exertions.

LVIII. No

LVIII. No order shall be issued to any police officer, excepting by the magistrate of the zillah, or his assistants. No order to be iſſued to any police officer except by the magiſtrate or his aſſiſtants.

LIX. The Magistrates and Criminal Judges shall correspond direct with Government in matters of police, whenever they may deem it necessary. Magiſtrates and criminal judges to correſpond direct with Government, when neceſſary.

A. D. 1818. REGULATION V.

A REGULATION for receiving and transmitting Appeals from the Courts of Sudder Adawlut to His Most Excellent Majesty and His Most honourable Privy Council:—Passed by the Right honourable the Governor in Council, on the 2d September 1818; corresponding with the 2d Bhadrapud Sood Sumbut or Vikramajet era 1874; Salbahan 1740; and the 30th Shaval 1233 Hijeree.

WHEREAS in the year of our Lord 1812, Regulation IV. was passed by the Right honourable the Governor in Council, intituled, "A Regulation respecting appeals from the Court of Sudder Adawlut to His Most Excellent Majesty and His Most honourable Privy Council:" and whereas in the year 1813, Regulation II, was passed, whereby the said Regulation IV, 1812, and Sections XXXI, XXXII, XXXIII, XXXIV, XXXV, and XXXVI, of Regulation VII, 1812, were improvidently rescinded: and whereas it is necessary to establish Rules for regulating appeals from the Court of Sudder Adawlut of Bombay to His Majesty in Council, the following Rules are hereby established. Preamble.

II. All persons desirous of appealing from a judgment of the Court of Sudder Adawlut to the King in Council, are required to present their petition of appeal to that Court within six calendar months from the date on which the judgment appealed against may have been passed; under which provision the Court of Sudder Adawlut are to admit the appeal, and proceed upon it as directed in the following Section of this Regulation, under the several restrictions therein prescribed. Petitions of appeals againſt deciſion of the Sudder Adawlut to the King in Council to be preſented within ſix months from the date of the judgment appealed againſt.

III. In all cases wherein the Sudder Adawlut may admit an appeal to the King in Council, they are to cause two exact copies to be made of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents (translated into English, if the original documents be in any of the country languages), and are to transmit the same, as soon as prepared, under their official seal and the signature of their register, to the Governor in Council, for the purpose of being forwarded by the first secure and separate conveyances to His Majesty in Council. The Register to the Sudder Adawlut shall also, on the application of the appellant or respondent, furnish him or them with one or more copies of the proceedings held, and judgments or orders passed in the case appealed; provided they respectively agree to defray such expense as may be incurred thereby, but not otherwise; and the Register is not to deliver such copies when prepared without the previous payment of such expense; the amount of which is to be carried to the credit of Government, by whom the necessary expenditure on that account will be made in the first instance. The Sudder Adawlut on admitting appeals to cauſe two complete copies to be prepared of all the proceedings in the caſe for tranſmiſſion to the King in council through Government. The regiſter to furniſh the parties with copies of the proceedings applied for, on their paying the expenſe incurred thereby.

IV. In case the judgment appealed from shall have been passed in pursuance of any local Regulation or Regulations enacted by the Governor in Council; or in case any such Regulation shall have been referred to in the judgments passed by any of the Courts, wherein the cause appealed from may have been tried and decided; a copy of such Regulation or Regulations, or an extract therefrom, containing all that has reference to the matter at issue, shall be annexed to the several copies of the proceedings prepared in conformity to the preceding Section, whether for delivery to the parties, or for transmission to His Majesty in Council. Copies or extracts of local Regulations referred to in the caſe to be annexed to the copies of the proceedings.

V. In cases of appeal to His Majesty in Council, the Court of Sudder Adawlut may either order the judgment passed by them to be carried into execution, taking sufficient security from the party in whose favour the same may be passed, for the due performance of such order or decree as His Majesty, his heirs or successors, shall think fit to make on the appeal; or suspend the execution of their judgment during the appeal, taking the like security in the latter case from the party left in possession The Sudder Adawlut may order their decree to be executed, taking ſecurity from the party in whoſe favour it is paſſed to abide by the appeal Or ſuſpend execution during the appeal

taking security from the party in possession of the contested property.

Appellants to give security for costs.

The Sudder Adawlut to admit the appeal on receiving the prescribed securities.

possession of the property adjudged against him; but in all cases security is to be given by appellants, to the satisfaction of the Sudder Adawlut, for the payment of all such costs as the said Court may think likely to be incurred by the appeal, as well as for the performance of such order or judgment as His Majesty, his heirs or successors, may think fit to give thereupon; and after receiving such security, the Court of Sudder Adawlut are to declare the appeal admitted, and to give notice thereof to the appellant and respondent respectively, that they may take measures, the one to prosecute, the other to defend the cause in appeal before His Majesty in Privy Council, according to the established mode of proceeding in similar cases.

Nothing in this Regulation to bar the exercise of His Majesty's pleasure in rejecting or admitting such appeals as he may think proper.

VI. Provided always, that nothing in this Regulation is to be understood to bar the full and unqualified exercise of His Majesty's pleasure upon all appeals to him from the decisions of the Sudder Adawlut, either in rejecting any he may consider inadmissible, or in receiving any he may judge admissible, notwithstanding the provisions made in the Regulation which has reference to the local jurisdiction only, and particularly to that of the Sudder Adawlut, as a necessary rule for their guidance, subject in the whole of its provisions to the ultimate determination of His Majesty in Council.

A. D. 1818. REGULATION VI.

A REGULATION for carrying on the Trade between the British Possessions in India and the Countries and States in amity with His Majesty:—Passed by the Court of Directors of the United Company of Merchants of England trading to the East Indies, this 31st day of December 1817.

Preamble.

WHEREAS by an Act passed in the 37th year of the reign of His present Majesty, intituled, "An Act for regulating the trade to be carried on with the British possessions in India by the ships of nations in amity with His Majesty," it was enacted, that from and after the passing of that Act, and during the continuance of the exclusive trade of the United Company of Merchants of England trading to the East Indies, and during the term for which the possessions of the British territories in India is secured to the said United Company, it should be lawful for the ships and vessels of countries and states in amity with His Majesty, to import into and export from the British possessions in India, such goods and commodities as they should be permitted to import into and export from the said possessions by the Directors of the said Company; who were thereby directed to frame such Regulations for carrying on the trade to and from the said possessions, and the countries and states in amity with His Majesty, as should seem to them most conducive to the interest and prosperity of the said British possessions in India, and of the British empire; and that no ship or vessel belonging to any of the subjects of states or countries in amity with His Majesty, should be liable to seizure, confiscation, or forfeiture or other penalty, for exporting from or importing into the said British possessions in India, any goods or commodities, the importation or exportation of which should respectively be permitted by the said Regulations, any thing in a certain Act of the twelfth year of the reign of King Charles the Second, therein recited, to the contrary notwithstanding: provided always, that it should not be lawful for the Directors of the said United Company to frame any Regulations for the conduct of the said trade, which should be inconsistent with any treaty or treaties which should have been or might be entered into by His Majesty, his heirs and successors, and any country or state at amity with His Majesty, or which might be inconsistent with any Act or Acts of Parliament which had been passed for the regulation of the trade and commerce of the said British territories in India: and whereas by another Act, passed in the 53d year of the reign of His present Majesty, intituled, "An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's charter," all the enactments, provisions, matters and things contained in any Act or Acts whatsoever which was limited, or might be construed to be limited, to continue for and during the term granted to the said Company by a certain Act of the Parliament of Great Britain of the 33d year of His present Majesty therein recited, so far

as the same, or any of them, were in force and not repealed by or repugnant to the said Act of the 53d year of His said present Majesty, should continue and be in force during the further term thereby granted to the said Company; subject to such alterations therein as might be made by any of the enactments, provisions, matters and things in that Act contained—

The Court of Directors of the United Company of Merchants of England trading to the East Indies, in virtue of the powers granted to them by the aforesaid Acts, have framed the following Regulation for carrying on the trade to and from the British possessions in India, and the countries and states in amity with His Majesty.

Rules under which ships belonging to foreign European nations having a settlement of their own in India, and being in amity with His Majesty, are allowed to trade with the British ports in India.

II. Foreign European ships, belonging to any nation having a settlement of its own in the East Indies, and being in amity with His Majesty, may freely enter the British seaports and harbours in that country, whether they come directly from their own country or from any of the ports and places in the East Indies; they shall be hospitably received, and shall have liberty of trade there in imports and exports conformably to the Regulations established in such places: provided, that it shall not be lawful for the said ships, in time of war between the British Government and any state or power whatever, to export from the said British territories, without the special permission of the British Government, any military or naval stores, saltpetre or grain. The said ships may also be cleared out for any port or place in the East Indies; but if cleared out for Europe, shall be cleared out direct for the country in Europe to which such ships respectively belong.

Also in respect to ships of foreign European nations having no establishment in the East Indies.

III. *First.*—Foreign European ships belonging to countries having no establishment in the East Indies, may (when those countries and states respectively are in amity with His Majesty) freely enter the ports of the principal British settlements in the East Indies, viz. Calcutta, Madras, Bombay and Prince of Wales Island, only. They shall be hospitably received there, and have free liberty to trade in imports and exports, conformably to the Regulations of the place: provided, that it shall not be lawful for the said ships, in time of war between the British Government and any state or power whatever, to export from the said British territories, without the special permission of the British Government, any military or naval stores, saltpetre or grain: and provided also, that the said ships proceed from their own ports direct to the said principal British settlements, without touching at any port or place whatever in the voyage out, except from necessity, and merely to procure refreshments or repairs, in case of distress or accidents in the course of such voyage; the burthen of the proof of which necessity to rest on the parties.

Second.—The vessels of the said European powers last aforesaid, shall not carry any of the articles exported by them from the said British territories, to any port or place except to some port or place in their own countries respectively, where the same shall be unladen. The said ships shall not be cleared out to carry on the coasting or country trade in India; but vessels going with their original cargoes, or part thereof, from one principal British port of discharge to another principal British port, are not to be considered as carrying on the coasting trade.

Third.—The said vessels shall not be allowed to proceed, either with or without return cargo, from the said British territories to the settlements or factories of any foreign European nation in India, or to the territory of any Asiatic potentate or power, except from the like necessity as is before described, of which the proof shall rest with them. Nor shall the said vessels be allowed to enter the river in that part of the British territory situated in Bengal, for any other purpose than that of proceeding to the port of Calcutta, for trade, refreshment or repairs.

Fourth.—In clearing out for their respective countries, the clearance shall be a direct one to the country to which the vessel belongs, and to no other whatever.

The trade between the British possessions and the United States of America to be regulated by the convention of commerce dated the 3d July 1815.

IV. The trade between the British possessions in India and the United States of America shall be regulated by the convention of commerce between Great Britain and the United States of America, signed at London the 3d July 1815.

A.D. 1818. REGULATION VII.

A REGULATION for increasing the Tax called Market Fees, levied on Shops and Stalls within the town and island of Bombay, beating the Battakee, and using or employing country Musick within the same;—and for levying a Tax on the erection of wedding Sheds or other places of temporary Amusement, in any of the Streets or Roads of the said Town and Island:—Made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, with the approbation of the Board of Commissioners for the Affairs of India, and passed by the Governor in Council on the 16th of September 1818; corresponding with the 2d Bhadrapud Sood Sumbut or Vekramajet era 1874, Salbahan 1740; and 14th Zilkaad 1233 Hijeree.

Preamble.

WHEREAS it has been found necessary for the support of the funds for defraying the expenses of the police establishment for the town and island of Bombay, and for the improvement of roads, drains, markets and other public works of the said town and island, to revise and augment the tax commonly called market fees on shops, stalls, the battakee and country music; and to levy a tax on the erection of wedding sheds, or other places of temporary amusement, on any of the streets or roads of the said town or island: the following Regulation has been passed accordingly by the Right honourable the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and approbation of the Board of Commissioners for the affairs of India.

The collector of Bombay to make and collect a quarterly aſſeſſment on all ſhops and ſtalls within the iſland, according to ſpecified rates.

II. The collector of Bombay shall make a quarterly assessment on each and every shop and stall within the town and island of Bombay, and shall collect the same quarterly, at the rates enumerated in Schedules A. and B. annexed to this Regulation.

The magiſtrates of police to grant licenſes for the erection of wedding ſheds or other places of temporary amuſement.

The ground ſo occupied to be meaſured by the engineer officer attached to the court of petty ſeſſions, who is to furniſh a certificate of meaſurement to the party licenſed and to the collector.

Rates of aſſeſſment to be levied by the collector.

III. All persons desirous of erecting wedding sheds or other places of temporary amusement, in the public streets or roads, shall apply for license to erect the same, to either of the magistrates of police, who are hereby authorized and required to grant such license, unless they see good cause for refusing the same, and to direct the engineer officer attached to the Court of Petty Sessions to measure off and mark out the space of ground required, or so much of the same as they, or either of them, may think proper; and on the said space of ground being so marked out and measured, the said engineer officer is hereby required to deliver a certificate of the space so marked out and measured, to the party obtaining the said license, and a duplicate of the same to the collector of Bombay. And the said collector is hereby authorized and required to make an assessment upon each and every person inclosing such space so marked out as aforesaid, at the rate of five rupees a night for every space not exceeding ten square yards so taken in and inclosed; and for every such space exceeding ten square yards, at the rate of one rupee a night for every square yard so inclosed.

Perſons incloſing any part of the public ſtreets without a licenſe, liable to a penalty.

Perſons exceeding the limits marked out by the engineer officer, to be ſurcharged for the ſame.

IV. Any person presuming to inclose any part of the public streets or roads, for the purpose of erecting a wedding shed or other place of temporary amusement, without having previously obtained such license as aforesaid from one of the magistrates of police, and such certificate as aforesaid from the said engineer officer, shall be liable to the penalty of five rupees a night for every square yard so inclosed; and any person taking in or inclosing a greater space of ground than what was marked out and measured off by the said engineer officer, and included in such certificate as aforesaid, shall be surcharged for the same at the rate of five rupees a night for every square yard so inclosed which shall not have been so marked out and measured and included in such certificate.

The police magiſtrates to grant licenſes for country muſic.

V. All persons desirous to use or employ country music in the celebration of any wedding, or other ceremony or entertainment, shall apply for a license in writing to use or employ the same, to either of the magistrates of police, who are hereby authorized and required to grant such license, unless they see good reason for refusing the same: such license to contain the number of days for which it may be granted. And all

persons

persons using or employing such music, shall be assessed at the rate of one rupee a day for the same; and any person using or employing such music without a license, or for any period exceeding the number of days for which such license may be granted, shall be liable to a fine of five rupees a day for every day that such music shall be used or employed without a license.

Nature of this license and rate of assessment

Persons employing country music without a license, liable to a fine.

VI. All persons desirous of giving public notice by beat of battakee of the sale of any house, building, land or other immoveable property, or of the sale of any goods or chattels, or of publicly offering a reward, or giving any other kind of lawful public notice by the same, shall apply to either of the magistrates of police to authorize the publishing such notice by beat of battakee; and on obtaining such permission shall pay to the collector the following fees for every such notice respectively, previously to the same being so given.

All notices by beat of battakee to be previously sanctioned by the magistrates.

	rs.	qr.	rs.	
For giving public notice, by beat of battakee, of the sale of any house, land or other tenement, at the rate of - - -	2.	2.	0.	For each Notice.
For ditto, ditto, of any goods or chattels, ditto - -	1.	0.	0.	
For ditto, ditto, of any reward that may be legally offered, or for any other public notice, ditto - - - - - -	0.	1.	0.	

Rates of fees to be levied on each notice.

VII. In case of nonpayment of any of the aforesaid assessments, fees, surcharges, fines or penalties, within eight days after the demand of the same, the collector of the revenues of Bombay is hereby authorized and required to levy the same, by warrant under his hand and seal, by distress and sale of the offender's goods and chattels; and the overplus of the money raised, after deducting the penalty and expenses of distress and sale, shall be rendered to the owner.

The fees, surcharges or penalties to be levied by a warrant of distress in case of nonpayment within eight days after the demand.

VIII. Any person who shall feel himself aggrieved by any assessment, surcharge, fine or penalty, demanded by the collector in pursuance of this Regulation, is at liberty to appeal to the Court of Petty Sessions within eight days after such demand; and the said Court are hereby authorized and required to affirm or reduce such assessment, surcharge, fine or penalty, according as they may think just and equitable; and if no such appeal be made within eight days after the said demand, the collector is hereby authorized and required to levy the same by distress as aforesaid.

Persons aggrieved by any assessment, surcharge or fine, to appeal to the court of petty sessions.

Power vested in the court.

IX. And it is hereby further ordained, that the whole of the said fees so to be levied and paid as hereinbefore provided, shall be, in the first instance, applied to the maintenance of the police and of the public markets; and secondly, in the draining and improvement of the island of Bombay, under the inspection and subject to the control of the Court of Petty Sessions as aforesaid: provided always, that the said Court shall not be empowered to sanction the expenditure of any sum or sums of money under this Regulation, beyond the established charges for the levy of the same, without the previous sanction of the Governor in Council.

Purposes to which the fees are to be applied.

X. This Regulation is to have effect from the 1st of November 1818.

Date from which the Regulation is to have effect.

SCHEDULE A,

Of the Rates at which Shops and Stalls within the Bombay division of the Town and Island of Bombay, shall be assessed according to Regulation.

Description of Shops or Stalls.	Rates to be paid per quarter. rs.	qr.	rs.
Attaris or perfumers - -	1	2	00
Aullers - - - -	,,	1	20
Bakers - - -	,,	3	80
Bangle sellers - - -	1	2	00
Bhutiars, or country eating houses - - - -	,,	3	00
Billet wood sellers - -	,,	1	20
Brick-makers - - -	,,	3	00
Carpenters - - -	,,	3	00
Cattle butcher, (slaughterers)	1	2	00
Cattle butcher, (sellers) -	1	0	00
Coppersmith - - -	1	0	00
Cotton seller - - -	,,	1	20
Chowkesey, or repairers of jewels	1	1	00
Chunam seller - - -	1	0	00
China-ware shopkeepers -	1	2	00
Cooley - - - -	,,	0	46
Cloth shop - - -	1	0	00
Dyers - - - -	1	0	00
Earthen-pot-makers - -	,,	0	48
Europe shop (including the shops of Natives, wholesale purchasers of European investments) - - -	5	0	00
Forell sellers - - -	,,	1	20
Fuddia, or grain retailers -	1	0	00

(continued.)

Description of Shops or Stalls.	Rates to be paid per quarter. rs. qr. rs.
Goat butcher	,, 3 84
Goldsmith	2 0 00
Ironsmith	,, 1 20
Leather merchant	,, 1 20
Liquor seller	,, 0 96
Mat maker	,, 1 20
Milk seller	,, 0 60
Mutton butcher	,, 3 84
Oil maker	1 0 00
Pearl and coral seller	2 0 00
Pice shopkeeper	6 0 00
Polisher	,, 1 20
Rattaner	,, 1 20
Rice seller	,, 0 96
Ruffooger, or repairers of shawls, &c.	,, 1 20
Seed shop	1 1 00
Sweatmeat makers	1 0 00
Shoemaker	,, 1 20
Straw sellers	1 2 00
Tailors	1 0 00
Toddy seller	,, 0 60
Turners	1 0 00
Wooden warehouse, 1st class	1 2 00
Wooden warehouse, 2d class	,, 3 00

SCHEDULE B,

Of the Rates at which Shops and Stalls within the Mahim division of the Town and Island of Bombay, shall be assessed according to Regulation.

Description of Shops or Stalls.	Rates to be paid per quarter. rs. qr. rs.
Aullers	,, 1 16
Bangle seller	1 0 00
Billet-wood warehouse	,, 3 00
Bhundarys	,, 0 84
Choochia or bhussary	,, 0 84
Chunam kilns	1 2 00
Cloth seller	1 0 00
Coppersmith	1 0 00
Fish sellers	,, 0 60
Goldsmith	2 0 00
Hoondia, or teria	1 0 00
Ironsmith	,, 1 20
Mat makers	,, 0 52
Milk seller	,, 0 84
Painters	,, 1 16
Parah chopping	,, 0 60
Pot makers	,, 0 52
Seed shops	1 1 00
Shoemaker	,, 1 20
Shroff pice seller	1 3 50
Sweatmeat sellers	1 0 00
Tailor	,, 1 20
Wood sellers (in bundles)	,, 1 20

A. D. 1818. REGULATION VIII.

A REGULATION for the confinement of State Prisoners:—Passed by the Right honourable the Governor in Council on the 7th October 1818; corresponding with the 8th Asvin Sood Sumbut or Vekramajet era 1874; Salbahan 1740; and 6th of Zilhuj 1233 Hijree.

WHEREAS reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals, against whom there may not be sufficient ground to institute any judicial proceedings, or when such proceedings may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper: and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken, should proceed immediately from the authority of the Governor in Council: and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the ground of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor in Council, all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed: and whereas the ends of justice also require, that due attention be paid to the health of every state prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family: and whereas the reasons above declared sometimes render

render it necessary that the estates and lands of zemindars, talookdars and others situated within the territories dependant on the Presidency of Bombay, should be attached and placed under the temporary management of the revenue authorities, without having recourse to any judicial proceeding: and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals, whose estates may be so attached under the direct authority of Government—the Right honourable the Governor in Council has enacted the following Rules, which are to take effect throughout the provinces immediately subject to the Presidency of Bombay, from the date on which they may be promulgated.

Mode of proceeding for placing individuals under reſtraint as ſtate priſoners.

II. *First.*—When the reasons stated in the preamble of this Regulation may seem to the Governor in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor in Council, and under the hand of the Chief Secretary, or of one of the Secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Form of warrant to be iſſued

Second.—The warrant of commitment shall be in the following Form:

To the [*here insert the officer's designation.*]

WHEREAS the Governor in Council, for good and sufficient reasons, has seen fit to determine that [*here insert the state prisoner's name*] shall be placed under personal restraint at [*here insert the name of the place*], you are hereby required and commanded, in pursuance of that determination, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor in Council, and the provisions of Regulation VIII, 1818.

By Order of the Governor in Council,

Bombay Castle, the

A. B.
Chief Sec. to Govt.

Such warrant to be ſufficient authority for the detention of any ſtate priſoner.

Third.—The warrant of commitment shall be sufficient authority for the detention of any state prisoner in any fortress, jail or other place within the territories subject to the Presidency of Bombay.

Officer in whoſe cuſtody ſtate priſoners may be placed, to ſubmit to Government periodical reports.

III. Every officer in whose custody any state prisoner may be placed, shall, on the 1st of January and 1st of July of each year, submit a report to the Governor in Council, through the Secretary to Government in the Political department, on the conduct, the health and the comfort of such state prisoner, in order that the Governor in Council may determine whether the orders for his detention shall continue in force or shall be modified.

State priſoners in the cuſtody of the zillah or city magiſtrate to be viſited by the judge of circuit at the ſeſſions.

IV. *First.*—When any state prisoner is in the custody of a zillah or city magistrate, the Judges of Circuit are to visit such state prisoner, on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the state prisoner, which may appear to them advisable; provided they be not inconsistent with the orders of the Governor in Council issued on that head.

State priſoners in cuſtody of a public officer not being a zillah or city magiſtrate, to be viſited by ſuch perſon as may be nominated by Government for the duty.

Second.—When any state prisoner is placed in the custody of any public officer not being a zillah or city magistrate, the Governor in Council will instruct either the zillah or city magistrate, or the Judge of Circuit, or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government, regarding the health and treatment of such prisoner.

Repreſentations which may be made by ſtate priſoners to be ſubmitted to Government.

V. The officer in whose custody any state prisoner may be placed, is to forward, with such observations as may appear necessary, every representation which such state prisoner may from time to time be desirous of submitting to the Governor in Council.

Early report to be made to Government regarding the nature of the confinement, the health and the allowances granted to ſtate priſoners

VI. Every officer in whose custody any state prisoner may be placed, shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor in Council, whether the degree of confinement, to which he may be subjected, appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

The allowance fixed for the ſupport of a ſtate priſoner to be duly appropriated to that object.

VII. Every officer in whose custody any state prisoner may be placed, shall take care that the allowance fixed for the support of such state prisoner is duly appropriated to that object.

VIII. The

The provisions contained in Sections III. to VII. of the present Regulation, applicable to all persons who are now confined as state prisoners.

VIII. The provisions contained in Sections III, IV, V, VI, and VII, of this Regulation, are hereby declared to be applicable to all persons who are now confined as state prisoners under the authority of Government within the territories subject to the Presidency of Bombay.

Rules for the attachment of estates or lands by the orders of Government without a previous decision of a court of justice.

IX. Whenever the Governor in Council, for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zemindar, jageerdar, talookdar or other person, without any previous decision of a Court of Justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and Magistrate of the district in which the lands or estates may be situated, to the Provincial Court of Appeal and Circuit, and to the Sudder Adawlut and Superior Tribunal.

Lands or estates so attached to be placed under the management of the officers of Government in the revenue department.

X. *First.*—The lands or estates which may be temporarily attached, shall be held under the management of the officers of Government in the Revenue department, and the collections shall be made and adjusted on the same principles as those of other estates held under khas management.

And not liable to be sold on account of decrees of the civil courts or otherwise, while under attachment.

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

The Government will make such arrangement as may be proper for the satisfaction of the decrees of the civil courts in such instances.

Third.—In the cases mentioned in the preceding Clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

Rules to be observed in cases where Government may order the release of an estate from attachment.

XI. Whenever the Governor in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary, have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate, which may have accumulated during the attachment.

RULE, ORDINANCE AND REGULATION I. 1818.

A RULE, Ordinance and Regulation to repeal Rule, Ordinance and Regulation II, 1815, and to make more effectual provisions for widening the Wheels of Carts, Hackeries and other Native Conveyances: Passed in Council on the 18th day of February 1818; and duly published and registered in the Court of Recorder of Bombay on the 12th day of July 1819.

Preamble.

WHEREAS the public roads and streets of the town and island of Bombay are, and have been, much prejudiced by the narrowness of the wheels of carts, hackeries and other native conveyances: and whereas the provisions of the Rule, Ordinance and Regulation II, of 1815, have not been found efficient to remove the evils, in remedy whereof it was enacted, for remedy thereof be it ordained, by the authority of the Governor in Council now assembled, that from and after the 1st day of April 1818, the sole or bottom of the fellies of the wheels of all labour carts or vehicles, and of all pleasure hackeries or other native conveyances, by whatsoever name or names the same now are or shall be called, not having springs, shall be of a breadth not less than three inches, running on a plane surface.

Width of the fellies of the hackeries and carts, not on springs, defined.

Ditto on springs.

II. And be it further ordained, that all labour carts or vehicles, pleasure hackeries and other native conveyances not used for labour, and having springs, shall have the sole or bottom of the fellies of the wheels of two inches at least in breadth, running on a plane surface.

To be numbered and to fix the No. on the cart.

III. And for the better discovery of offenders against this Rule, Ordinance and Regulation, it is hereby ordained, that all and every owner or owners of any cart, hackery

hackery or other native conveyance, are and is hereby required to apply to the assessor for the time being, for the number of their or his cart, hackery or native conveyance; and thereupon the said assessor shall and he is hereby authorized and required, upon payment of one quarter of a rupee for each number, and as often as the same shall be applied for, to grant such number thereof, and to make or affix the same upon some conspicuous part of such cart, hackery or native conveyance accordingly.

Fee for each number.

IV. And it is hereby ordained, that from and after the first day of April 1818, no person or persons shall presume to drive or otherwise use any cart, hackery or other native conveyance, with wheels of a less breadth than those hereinbefore specified, or without being numbered as hereinbefore directed, upon pain of being fined for every such offence a sum not exceeding rupees fifty, at the discretion of the Petty Sessions, one moiety of which shall be given to the informer, and the other moiety shall be applied to the repair and preservation of the public roads; and no person convicted, and fined as aforesaid, shall be liable to be fined a second time for any other similar offence committed in breach of this Clause previous to his conviction as aforesaid.

Offences cognizable by the petty sessions.

V. And be it further ordained, that the offences against this Rule, Ordinance and Regulation, or any thing therein contained, shall be heard and determined in a summary way by the Court of Petty Sessions, upon the oath of one or more credible witness or witnesses, or on view of a magistrate, the party accused being summoned to make defence, or upon confession of the party offended.

The offenders liable to be apprehended by the magistrates, and carts detained till decided by the petty sessions.

VI. And for the more certain and easy apprehension of offenders against this Rule, Ordinance and Regulation, be it ordained, that it shall and may be lawful for any magistrate or police officer to seize, apprehend and forthwith carry before a magistrate the driver of any cart, hackery or other native conveyance, found offending against this Regulation, together with such cart, hackery or other vehicle itself, in order that security may be taken for the due appearance of the party so offending at the next Petty Sessions. It being also hereby declared lawful for the magistrate, before whom such cart shall be brought, to cause the same to be detained until the meeting of the Petty Sessions next ensuing.

Penalties and forfeitures how to be levied.

VII. And be it further ordained, that all penalties and forfeitures by this Rule, Ordinance and Regulation imposed, shall be levied by distress and sale of the goods and chattels of the offender or person liable or ordered to pay the same, by warrant or authority of the Court of Petty Sessions.

Date from which the Regulation to have effect,

Registers of hackeries and carts to be renewed yearly.

VIII. And be it further ordained, that this Rule, Ordinance and Regulation shall commence and take effect upon the first day of April 1818, and that the number for each and every cart, hackery and other native conveyance so required to be registered as aforesaid, shall be renewed at the expiration of each and every successive twelve calendar months, reckoning from the said first day of April 1818.

Rule, Ordinance and Regulation II, 1815, to be repealed after this is published.

IX. And be it further ordained, that from and after the due registry and publication of this Rule, Ordinance and Regulation, the aforesaid Rule, Ordinance and Regulation II, of 1815, shall be deemed and held, and is hereby declared to be repealed.

2.

PAPERS

RELATING TO

EAST INDIA AFFAIRS,

VIZ.

REGULATIONS

PASSED BY THE GOVERNMENTS

OF

BENGAL, FORT ST. GEORGE, AND BOMBAY,

IN THE YEAR

1819.

(Presented in pursuance of Act 53 Geo. III. c. 155, sec. 66.)

Ordered, by The House of Commons, *to be Printed*,
6 *March* 1821.

REGULATIONS Passed by the Governments of India in the Year 1819:—Presented to the Honourable the House of Commons, in pursuance of an Act of Parliament, 53 Geo. III. c. 155, sec. 66;—Viz.

I.—By the Governor General in Council of BENGAL, in the Year 1819;

N° I. to XI.

Regulation.

I.—For replacing the districts of Dinagepore and Rungpore, under the management of the Board of Revenue; for extending the authority of the Board of Commissioners in Behar and Benares, to the district of Goruckpore; for re-establishing Canoongoes and reforming the office of Putwarry throughout the province of Bengal; and for explaining and modifying certain parts of Regulation XII, 1817:— - - - - - - Passed on the 5th February 1819 - - p. 5

II.—For modifying the provisions contained in the existing Regulations, regarding the Resumption of the Revenue of Lands held free of assessment under illegal or invalid tenures, and for defining the right of Government to the Revenue of Lands not included within the limits of Estates for which a settlement has been made:—
Passed on the 12th of February 1819 - - p. 7

III.—For extending the provisions of Section X, Regulation VIII, 1818, to Robbers not being Dakyts or Gang Robbers:— - - - - - - Passed on the 16th April 1819 - - - p. 16

IV.—For the appointment of a Board for the superintendence of the Revenue derived from customs, town duties, salt and opium:— - Passed on the 22d April 1819 - - - p. 17

V.—For modifying certain parts of the rules in force, in regard to the conduct of the business of the Mints subordinate to this Presidency:—Passed on the 25th June 1819 - - - p. 18

VI.—For rescinding Regulation XIX, 1816, and for enacting other provisions in lieu thereof:—
Passed on the 25th June 1819 - - - p. 19

VII.—For declaring certain misdemeanors punishable by the Magistrates; and for defining the punishment to be adjudged in such cases:— - Passed on the 9th July 1819 - - - p. 22

VIII.—To declare the validity of certain tenures, and to define the relative rights of Zemindars and Putnee Talookdars, also to establish a process for the sale of such Talooks in satisfaction of the Zemindars' demand of rent, and to explain and modify other parts of the system established for the collection of rents generally throughout Bengal:—
Passed on the 3d September 1819 - - p. 24

IX.—For amending the existing Rules, with regard to the admission of special Appeals; for requiring in certain cases, from Residents within the limits of Calcutta, security for eventual costs of suit, and for extending the powers of the Zillah and City Registers, and the Registers of the provincial Courts, in certain cases:—Passed on the 29th October 1819 - - p. 34

X.—For reducing into one Regulation, with alterations and amendments, the rules at present in force respecting the manufacture, adulteration, importation, transportation and sale of Salt:—
Passed on the 7th December 1819 - - p. 36

XI.—For discontinuing the coinage of the Benares Rupee; for declaring the Furruckabad Rupee the legal currency of the province of Benares; for altering the standard of the Furruckabad Rupee, and for defining the rate at which that Rupee is to be received within the province of Benares:— - - - - - - - - - - - Passed on the 31st December 1819 - - p. 64

II.—By the Governor in Council of Fort St. George, in the Year 1819;

N° I. to VIII.

Regulation.

I.—For rescinding Section IX, Regulation XXVI, 1802, and vesting in the Board of Revenue a discretionary power to fix in perpetuity the amount of the public Assessment upon subdivisions of Estates, liable to a proportion of the permanent Land Tax, less than the sum of five hundred star pagodas per annum; for rendering the permanent alienation, transfer or sale of subdivisions thus assessed, valid in the Courts of Adawlut; and for preventing fraud, corruption or error, in the distribution of the public Assessment upon landed Property in general:—
Passed on the 19th January 1819 - - p. 68

II.—For the confinement of State Prisoners:—
Passed on the 4th March 1819 - - p. 69

III.—To provide more effectually for the punishment of extortion, oppression or other abuse of authority on the part of the Native Officers of Police:—
Passed on the 9th March 1819 - - p. 71

IV.—For determining the rate of Duty on Goods exported or imported by Sea, to or from any of the foreign European Settlements adjoining the Territories subject to the Presidency of Fort St. George:— - - - - - Passed on the 10th April 1819 - - p. 72

V.—For rescinding such parts of Regulations IX, X, XI, of 1816, as disqualify servants of the Government from attesting Confessions:—
Passed on the 23d April 1819 - - ibid.

VI.—For rescinding Sections II, and III, of Regulation IV, of 1812, and Regulation I, of 1817, and for giving due publicity to a certain Regulation enacted by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies, relative to the Trade of Foreign nations with the British Possessions in India:—
Passed on the 15th May 1819 - - p. 73

VII.—For modifying and explaining certain parts of Regulation II, 1816, and of other Regulations now in force for the collection of Customs:—
Passed on the 10th July 1819 - - p. 76

VIII.—For rescinding Regulation IX, of 1802:—
Passed on the 29th November 1819 - p. 80

III.—By the Governor in Council of Bombay, in the Year 1819;

N° I. to X.

Regulation.

I.—For the support of the Police in the Cantonments and Military Bazars subject to the Presidency of Bombay; for defining the powers of the Civil and Military Officers in the performance of that duty; and for fixing the local limits of the said Cantonments and Bazars:—
Passed on the 25th February 1819 - - p. 81

II.—For amending part of Section IX, Regulation XIV, A. D. 1802, intituled, "A Regulation for the appointment of Vakeels or Native Pleaders in the Civil Courts:"—
Passed on the 10th March 1819 - - p. 82

III.—For defining the jurisdiction to which the ceded and conquered Territories, recently annexed to the Bombay Presidency, shall be subject; for introducing the Laws and Regulations for the administration of Justice and collection of the Revenues into those Territories; and for modifying such parts of the existing Regulations, as relate to the periodical Gaol Deliveries:—
Passed on the 14th April 1819 - - - p. 83

IV.—To amend the existing Rules for receiving complaints in the Zillah Courts, against Collectors of the Land Revenue and Customs, Commercial Residents and other European Public Officers, amenable to those Courts, for acts done in their official capacity in opposition to any published Regulation; and to make provision for a special inquiry, in certain cases of charge or information, against any such Officers:— Passed on the 14th July 1819 - - - p. 86

Regulation.

V.—To modify and extend the Rules in force which prescribe an Oath of Office to be taken by certain Native Officers; to explain and amend other provisions relative to the Native Ministerial Officers and Law Officers of the civil and criminal Courts; and for extending the principles of Regulation IV, 1819, to the native servants of every denomination:—
Passed on the 14th July 1819 - - - p. 91

VI.—For rescinding such part of Section XL, Regulation IV, of 1818, as may be construed to restrict the authority of Assistant Magistrates to the Towns in which they may be deputed to reside:— - - - - - - - - - - - - - Passed on the 14th July 1819 - - - p. 94

VII.—To amend a part of Section III, Regulation III, 1819, defining the jurisdiction to which the ceded and conquered Territories, recently annexed to the Bombay Presidency, shall be subject:— - - - - - - - - - - - - Passed on the 4th August 1819 - - - ibid.

VIII.—For modifying some of the existing Rules relative to the requisition of Security for good Behaviour, and for prescribing Rules for the guidance of the Courts of Criminal Judicature, in cases when persons held to bail may not attend, and when Sureties for good behaviour of Individuals have failed in their engagements:—
Passed on the 1st September 1819 - - ibid.

IX.—For amending and modifying certain provisions of the Regulations in force relating to the administration of Criminal Justice:— - Passed on the 17th November 1819 - - p. 97

X.—For amending Regulation I, 1812, for the trial of persons charged with Crimes against the State:— - - - - - - - - - - - - Passed on the 24th November 1819 - - p. 98

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*, in the Year 1819.—No. I. to XI.

A. D. 1819. REGULATION I.

A REGULATION for replacing the districts of Dinagepore and Rungpore, under the management of the Board of Revenue; for extending the authority of the Board of Commissioners in Behar and Benares, to the district of Goruckpore; for re-establishing Canoongoes and reforming the office of Putwarry throughout the province of Bengal; and for explaining and modifying certain parts of Regulation XII, 1817:—Passed by the Governor General in Council, on the 5th February 1819; corresponding with the 24th Maug 1225 Bengal era; the 25th Maug 1226 Fusly; the 25th Maug 1226 Willaity; the 11th Maug 1875 Sumbut; and the 9th Rubee-us-Sanee 1234 Higeree.

Preamble.

WHEREAS experience has evinced, that the general superintendence of the revenue affairs of the districts of Dinagepore and Rungpore, cannot so advantageously be exercised by the Board of Commissioners in Behar and Benares, as by the Board of Revenue, and it at the same time appears expedient, with reference to the circumstances and local situation of the district of Goruckpore, to extend to that district the authority of the former Board; and whereas it has likewise been deemed advisable to re-establish the office of canoongoe, throughout the districts of Bengal, and similarly to extend the operation of Regulation XII, 1817, with a view to the general reform of the office of putwarry, the following Rules have been enacted, to be in force from the 1st of March next.

The management of the revenues of the diſtricts of Dinagepore and Rungpore replaced under the board of revenue.

II. Section III, Regulation XXIV, 1817, is hereby rescinded, and the general superintendence of the revenues of the districts of Dinagepore and Rungpore, shall be exercised by the Board of Revenue, in the same manner as before the enactment of that Regulation.

The ſuperintendence of the revenues of the diſtrict of Goruckpore veſted in the board of commiſſioners in Behar and Benares.

III. The general superintendence of the revenues of the district of Goruckpore shall be vested in the Board of Commissioners in Behar and Benares, in the same manner and with the same powers and authority as it is now exercised by the Board of Commissioners in the ceded and conquered provinces.

Canoongoes to be appointed throughout the province of Bengal, for the performance of the duties preſcribed in Regulation V, 1816.

IV. *First.*—Canoongoes shall be appointed throughout the province of Bengal, in the same manner, and for the performance of the same duties, as are prescribed in Regulation V, 1816, in regard to the district of Cuttack, the pergunnah of Puttaspore, and its dependencies; and all the rules contained in the Regulation aforesaid, are hereby extended generally to the province of Bengal.

Regulation XII, 1817, extended to the ſeveral diſtricts in the province of Bengal.

Second.—The provisions of Regulation XII, 1817, are in like manner hereby extended to the several districts of the said province, to which they have not yet been applied.

Selection and nomination of canoongoes in certain caſes may be intruſted to other perſons than the collectors.

Third.—Provided, however, that in cases in which it may not appear advisable, from whatever cause, to leave the selection and nomination of the canoongoes to the collector of the district, it shall be competent to the Governor General in

Council, to appoint such other officer, specially to perform that duty, as he may judge expedient, and the officer so appointed shall have and exercise during such period as the Governor General in Council may direct, the same powers as are vested generally in collectors of Land Revenue, under the provisions of Regulation V, 1816, and Regulation XII, 1817. But nothing herein contained shall be construed to preclude the person holding permanently the office of collector in such district, from discharging the ordinary duties of his situation, under the general rules and regulations applicable to that branch of the public service.

Powers reſerved to the governor general in council to ſuſpend the operation of the rules regarding canoongoes and putwarries, in ſpecial caſes.

Fourth.—Provided further, that it shall be competent to the Governor General in Council, to suspend the operation of the rules contained in this or any former Regulation, regarding canoongoes and putwarries, within any mehals in which the establishment of such officers, as prescribed in those rules, may appear to be inexpedient.

The board of revenue declared competent to make ſuch alteration in the duties to be performed by canoongoes, as local circumſtances may ſuggeſt.

Fifth.—Provided likewise, that it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, to make such alteration in the duties to be performed by canoongoes, as local circumstances shall suggest; any thing in Section VII, Regulation IV, 1808, and other corresponding enactments to the contrary notwithstanding.

And may ſuſpend the operation of Regulation XII, 1817, in certain diſtricts and parts of the country.

Sixth.—Provided also, that it shall be competent to the Board of Revenue to suspend, by proclamation, the operation of the rules of Regulation XII, 1817, in the districts of Chittagong and Sylhet, and in any other parts of the country in which individual estates may generally be of inconsiderable extent, until they shall have determined, under the discretion vested in them, by Sections III, XVIII, and XXXIII, of that Regulation, the number of putwarries to be appointed or retained; the mode in which they are to be remunerated, and the mehals to be permanently exempted from its general operation.

The collector declared competent to aſſume the direct nomination and appointment of a putwarry, in certain caſes.

V. In all cases in which any village or villages, or any lands whatsoever, the accounts of which may be kept by a single putwarry, shall be held by two or more persons under distinct engagements with Government, it shall be competent to the collector, with the approval of the Board of Revenue, or other authority exercising the powers of that Board, to assume the direct nomination and appointment of such putwarry, with or without a reference to the proprietors. But in all such cases the collector shall deviate as little as possible from established usage, and shall be careful to consult the inclinations, and maintain the interests, of all persons connected with the mehals in question.

Explanation of Section II, Regulation XII, 1817.

VI. In explanation of Section II, Regulation XII, 1817, it is hereby declared and enacted, that if any proprietor or farmer of land shall refuse or omit to furnish the statement required by Section IV, of that Regulation, within the period therein prescribed, or at any subsequent period, when called upon to do so by the collector, or other officer exercising the powers of collector, it shall be competent to the collector, or other officer aforesaid, with the approval of the Board of Revenue, or other authority exercising the powers of that Board, to levy a daily fine upon such proprietor or farmer, until the statement required be furnished, to such amount as may appear proper, with reference to the circumstances of the case, and to the condition in life of the offender.

All perſons who may without due authority remove a putwarry from office, or oppoſe him in the execution of his duties, declared liable to penalties.

VII. The penalties prescribed in Section XIII, Regulation XII, 1817, for the illegal removal of a putwarry from office, by a zemindar, or other proprietor or farmer of land, are hereby declared applicable to all persons whatsoever, who may without due authority remove from office any putwarry duly constituted or appointed; or who may oppose a putwarry so appointed or constituted, in the performance of his duties; or who may prevent his performing them; or who may resist or evade the entry of a putwarry, when duly appointed, into the possession of his office.

BOMBAY ASIATIC SOCIETY

A. D. 1819. REGULATION II.

A REGULATION for modifying the provisions contained in the existing Regulations, regarding the resumption of the Revenue of Lands held free of Assessment under illegal or invalid tenures, and for defining the right of Government to the Revenue of Lands not included within the limits of estates, for which a settlement has been made:—Passed by the Governor General in Council, on the 12th February 1819; corresponding with the 2d Phaugoon 1225 Bengal era; the 2d Phaugoon 1226 Fusly; the 3d Phaugoon 1226 Willaity; the 2d Phaugoon 1875 Sumbut; and the 16th Rubee-us-Sanee 1234 Higeree.

Preamble.

THE rules contained in Regulations XIX, and XXXVII, 1793, relative to the resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and the corresponding provisions enacted in subsequent years having been found inadequate to secure the just rights of Government, have from time to time been partially repealed or modified. Those rules, however, are still in force within several of the districts subordinate to this Presidency, and the Regulations by which they have in other districts been superseded, appear to be in several respects defective. It further appears to be necessary, in order to obviate all misapprehension on the part of the public officers, or of individuals, to declare generally the right of Government to assess all lands, which at the period of the decennial settlement were not included within the limit of an estate for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the above period, nor lands held free of assessment under a valid and legal title; and at the same time formally to renounce all claim on the part of Government to additional revenue from lands which were included within the limits of estates, for which a permanent settlement has been concluded, at the period when such settlement was so concluded, whether on the plea of error or fraud, or on any pretext whatever, saving of course mehals expressly excluded from the operation of the settlement. With the view therefore of establishing, on proper principles, one uniform course of proceeding in resuming the revenue of lands liable to assessment, so that the dues of Government may be secured without infringement of the just rights of individuals, the following Rules have been enacted, to be in force from the date of their promulgation throughout the provinces immediately subordinate to the Presidency of Fort William.

Certain Regulations rescinded.

II. *First.*—Regulation VIII, of 1811; Regulation V, of 1813; and Regulations XI, and XXIII, of 1817, are hereby rescinded.

Certain parts of former Regulations rescinded.

Second.—Sections XII, XIII, XIV, XVI, and XIX, Regulation XIX, 1793; Sections VII, VIII, IX, XI, and XIV, Regulation XXXVII, 1793; Sections XII, XIII, XIV, XVI, XIX, Regulation XLI, 1795; Sections VII, VIII, IX, XI, XIV, Regulation XLII, 1795; Sections VII, VIII, IX, XI, XIV, Regulation XXXI, 1803; Sections VII, VIII, IX, XI, XIV, Regulation XXXVI, 1803, are likewise hereby declared to be rescinded.

Lands not included in the decennial settlement, or for which a distinct settlement may not have been concluded, are liable to assessment, excepting lands held free of assessment under a valid and legal title.

III. *First.*—It is hereby declared and enacted, that all lands which at the period of the decennial settlement were not included within the limits of any pergunnah, mouza, or other division of estates for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the period above referred to, nor lands held free of assessment under a valid and legal title of the nature specified in Regulations XIX, and XXXVII, 1793, and in the corresponding Regulations subsequently enacted, are and shall be considered liable to assessment in the same manner as other unsettled mehals, and the revenue assessed on all such lands, whether exceeding one hundred beegahs or otherwise, shall belong to Government; provided, however, that nothing in the above rule shall be construed to affect the rights reserved to zemindars, talookdars and other proprietors of estates, with whom a permanent settlement has been concluded, to the exclusive enjoyment of the rent assessed on lands held on an invalid tenure, free of assessment, within the limits of their respective estates and talooks, and of which the extent may not exceed one hundred beegahs if in Bengal, Behar or Orissa, and fifty beegahs if within the province of Benares.

Proviso.

The ſame principle applicable to churs and alluvion lands.

Second.—The foregoing principles shall be deemed applicable not only to tracts of land, such as are described to have been brought into cultivation in the Sundurbuns, but to all churs and islands formed since the period of the decennial settlement, and generally to all lands gained by alluvion or dereliction since that period, whether from an introcession of the sea, an alteration in the course of rivers, or the gradual accession of soil on their banks.

Alſo to lands included within talooks of a particular deſcription.

Proviſo.

Third.—The same principle shall likewise be deemed applicable to all lands, which, though included at the period of the permanent settlement within the limits of talooks, held by individuals under special pottahs from the collector, such as the putteetabady and jungulboory talooks in the districts of the twenty-four Pergunnahs and Jessore, may not have been permanently assessed at the above-mentioned period; provided, however, that in respect to such lands, if in the possession of the original pottah holder, or his legal representative, the conditions of the pottah in regard to the assessment of the land included within the limits specified in that instrument, shall be strictly maintained.

Application of certain proviſions of exiſting Regulations to grants for holding lands under mokurrery or certain other tenures.

Proviſo.

IV. The several rules prescribed in Regulations XIX, and XXXVII, of 1793; and Regulations XLI, and XLII, of 1795; Regulations XXXI, and XXXVI, of 1803; Regulations VIII, and XII, of 1805, for determining the validity of grants for holding lands exempt from the payment of public revenue, are hereby declared applicable to grants or holding lands under mokurrery or other tenures, limiting the demand of Government; provided, however, that nothing in this Section shall be construed to affect the rules contained in Regulation VIII, 1793, relative to the assessment of lands held under valid grants, or leases, of the above nature, nor to alter the provisions contained in Regulation I, 1815, by which tenures of that description are declared liable to assessment on the death of the grantee.

Courſe of proceeding preparatory to an inveſtigation regarding the liability of ſuch lands to be aſſeſſed.

V. *First.*—Whenever a collector of revenue, or other officer exercising the powers of collector, shall have reason to believe that any lands lying within the sphere of his official controul are liable to assessment, either as being held under an invalid tenure free of assessment, or at an inadequate jumma, or as being liable to assessment on the principles stated in Section III, of this Regulation, he shall report the circumstances to the Board of Revenue, or other authority exercising the powers of that Board, who, should they be of opinion that proper grounds exist for inquiry, shall direct the collector or other officer aforesaid to enter on an investigation of the case in the manner hereafter mentioned.

Notice to be ſerved on the party;

Second.—The collector on receiving the authority of the Board of Revenue, shall call the party before him by a notice, stating the demand of Government on the lands, and requiring him to attend either in person or by vakeel, within the period of one month, and to produce all sunnuds, or other writings in virtue of which he may possess the lands, or under which they may have been, or may be claimed to be held free of assessment, or at a fixed jumma.

Or to his agent, if any accredited agent reſide at the ſudder ſtation.

Third.—If the persons whose lands it is proposed to assess, have an accredited agent at the sudder station, with general powers to act for his principal, the notice to be issued under the preceding clause, shall be tendered to such agent, to be communicated by him to his principal, and the agent's acknowledgment to be endorsed upon it shall be accepted as a sufficient service of it, if he be desirous of giving such acknowledgment in preference to the notice being served on the person of his principal by a chupprassy, or peon of the collector.

Notice on the principal to be ſerved through the nazir by a ſingle peon.

Fourth.—If the person, the revenue of whose lands it is proposed to resume, shall not have an accredited agent at the sudder station of the description above-mentioned, or if such agent shall decline receiving the notice for communication to his constituent, and the defendant be resident within the collectorship, it shall be served on him through the nazir of the collector by a single chupprassy, or peon, who shall require the acknowledgment of the party to be endorsed upon it, or, if he be absent from his usual place of residence, the acknowledgment of his principal agent, or of any person acting for him during his absence. If the party be resident within the jurisdiction of any other collectorship than that in which the lands proposed to be assessed are situated, the notice shall be transmitted to the collector of the district in which the party may reside, to be served in the manner above directed. If the party be neither resident within the collectorship in which the lands in question may be situated, nor in any other collectorship, the notice shall be served upon his agent or representative in charge of the lands.

Notice how to be ſerved if the party reſide in another juriſdiction.

Fifth.

Fifth.—Provided always, that if any party or his agent in charge of his land, on whom a notice may be served in the manner above prescribed, shall refuse to acknowledge the receipt of it when required by the person serving it, the tender of the notice to such party or his agent shall be taken for a sufficient service; such tender to be proved by the evidence of two persons residing on the lands, or in the nearest village.

If an acknowledgment be refused, the tender to be considered as sufficient notice.

Sixth.—The collector shall, in the notice summoning the party, warn him, that if he withhold any writings of the nature specified in the second clause of this Section, within the period prescribed, they will not afterwards be received, unless he shall show good and sufficient cause for not producing them, and shall assign such cause on his appearing before him.

What to be contained in the notice.

VI. *First.*—If the holder of such lands to whom a notice may have been issued, as directed in the preceding Section, shall abscond, or if not after diligent search to be found, or shall shut himself up in any house or building, or retire to any place, so that the notice cannot be served upon him, the collector or other officer exercising the power of collector, on receiving the nazir's return to this effect, shall issue a proclamation, to be affixed in some conspicuous part of his cutchery. The proclamation shall be written in the Persian and Bengal languages, in the provinces of Bengal and Orissa (including Cuttack); in the Persian language and character, and in the Hindoostanee language and Nagree character, in Behar, Benares, and in the ceded and conquered provinces; and it shall contain a copy of the former notice, and a further notification to the party, that if he shall not appear on a day to be fixed (which shall not be less than fifteen days from the time that the proclamation may be fixed up), the collector will proceed without further notice, to hold the inquiry exparte. The collector or other officer exercising the power of collector, shall likewise order a copy of the proclamation and notice to be fixed up, with all practicable dispatch, on the outer door of the house in which the holder of the lands may have usually dwelt, or in some conspicuous place in the chief village within, or in the neighbourhood of the lands proposed to be assessed.

If notice cannot be served a proclamation to be issued.

What is to be contained in the proclamation.

Copy of the proclamation, where to be fixed up.

Second.—The nazir shall return the order with an endorsement, stating at what times and places the proclamation may have been fixed up. The return of the nazir shall be filed with the collector's proceedings in the case. If the party shall not appear at the time limited in the proclamation, or if a party who may have been served with a notice shall not appear within the time therein limited, or if having appeared, he shall refuse to give answer, the collector shall proceed to investigate and decide upon the case in the same manner, as if the party had appeared, answered, and entered into proof.

Nazir's return how to be made.

If the party shall not appear or shall refuse to answer, the case to be investigated.

VII. In cases of land supposed to be liable to assessment under the provisions of Section III, of this Regulation, the collector or other officer exercising the powers of collector, shall institute a full and particular inquiry into the circumstances and condition of the land in question at the period of the decennial settlement; and in cases of alluvion land, into the period of its formation.

What inquiry to be made.

VIII. When an inquiry in regard to land of the nature of that described in the foregoing Section shall have been authorized, it shall be competent to the collector, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, previously obtained, to cause a survey or measurement to be made of all such lands, and of the estate to which such lands may be alleged to belong.

Collector with the sanction of the Board may cause a survey or measurement to be made.

IX. It shall likewise be competent to the collector, in all cases of inquiry held under the provisions of this Regulation, to summon the putwarry, gomashtah, or other person by whom the accounts relating to the lands proposed to be assessed, or to the estate to which the lands may be alleged to belong, are kept, and to require him to produce all accounts relating to such lands or estate, and to examine him on oath to the truth of such accounts, and on any other matter relating to such accounts, or regarding such lands or estate, in the manner specified in Section XXII, Regulation XII, of 1817.

Collector may summon putwarries, and require accounts, and examine on oath.

X. It shall be further competent to the collector in such cases, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, to require the person claiming to be proprietor or farmer of the lands proposed to be assessed, or of the estates to which they are alleged to belong, to attend either in person or by representative, and to produce all the accounts relating to such lands or estate, within a reasonable period, not being less than one week.

And may require the attendance of the person claiming the land, with his accounts.

Notice to be ſerved on ſuch perſon.

XI. *First.*—Whenever the collector or person exercising the powers of collector, shall require the attendance of any proprietor or farmer, or of any putwarry or gomashtah or other officer, for the purpose stated in the above Section, he is to serve such proprietor or other person as aforesaid, with a written notice under his official seal and signature, stating the purpose for which his attendance is required, the papers (if any) which he is to bring with him, and the period within which he is to attend.

Such notice to be ſerved in conformity with Section III, Regulation XIV, 1793.

Second.—Provided further, that the rules contained in Section III, Regulation XIV, 1793, regarding the mode of serving process for the recovery of arrears of revenue, shall be held applicable to processes issued by a collector or other officer exercising the powers of a collector, under the provisions contained in Sections IX, and X, of this Regulation; excepting always so much of the said rules, as prescribes, that the peon serving the summons shall be paid by the party in whose name it is issued.

Exception.

Penalties on putwarries neglecting to produce accounts, of falſifying them, or giving falſe evidence regarding them.

XII. If any putwarry, gomashtah, or other person by whom the accounts of lands are kept, and who may be summoned by a collector or commissioner, under the provisions contained in Sections IX, and XI, of this Regulation, shall neglect or omit to produce his original accounts on the requisition of the collector or commissioner, or to give his evidence regarding them, or shall intentionally and deliberately give a false deposition on oath before the collector or commissioner, when summoned and examined as aforesaid, or shall alter, fabricate, falsify or mutilate the accounts relating to such lands, or to the estate to which such lands are stated to belong, shall be and be held liable to the pains and penalties specified in Sections XXIII, XXVI, and XXVII, of Regulation XII, 1817, according as the provisions of one or other of those Sections may be applicable to the offence committed by him.

Lands may be attached, if the holders of them neglect to furniſh accounts.

XIII. *First.*—If the holder of any lands, in regard to which the collector shall have been authorized by the Board of Revenue, or other authority exercising the powers of that Board, to institute the inquiry described by Section VII, of this Regulation, shall refuse or neglect to furnish the accounts relating to such lands, within the period specified in the collector's requisition, the Board of Revenue, or other authority exercising the powers of that Board, shall be competent to direct the lands to be immediately attached, and the rents collected on account of Government, in the same manner as if the lands were the property of Government. In such cases, however, it shall still be the duty of the collector to make a full inquiry into the title of the holder of the lands, and to transmit his proceedings to the Board, who will decide whether the lands shall be deemed permanently liable to assessment.

In ſuch caſes a full inquiry to be made by the collector into the title of the holder.

Accounts not furniſhed to the revenue authorities, ſhall not afterwards be received in evidence in courts of juſtice in ſuits inſtituted to conteſt the deciſion of thoſe authorities.

Exception.

Second.—Provided further, that if the holder of any lands assessed under the rules of this Regulation, shall institute a suit in court to contest the decision of the revenue authorities, and shall produce any accounts or documents beside such as he may have delivered to the collector, the accounts or documents so produced shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed, unless he shall show good cause, to the satisfaction of the court, for not having produced the said accounts or documents, and shall prove that he assigned such cause in answer to the collector's requisition, or show good cause for not having done so.

In what caſes fines may be impoſed for non-attendance of a proprietor or his agent, or for omiſſion to furniſh accounts.

Third.—Provided also, that if any proprietor or farmer shall omit, or refuse to attend, or to cause his officer or agent to attend when duly summoned by the collector or commissioner, by the time prescribed in the notice issued by the collector or commissioner, or shall omit or refuse to furnish the accounts or documents required, and to show sufficient cause for such omission, the Board of Revenue or other authority exercising the powers of that Board, are authorized and empowered to impose upon him such daily fine, to be payable daily, until he complies with the collector's requisition, as they may think adequate to his situation and circumstances in life, reporting however the amount for the information of the Governor General in Council. The fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

Penalties for reſiſtance of proceſs iſſued under this Regulation.

XIV. If any zemindar or other person shall resist or cause to be resisted, the attachment or measurement of lands, which the Board of Revenue or other authority exercising the powers of that Board, shall have authorized the collector or commis-

sioner

sioner to attach or measure, under the provisions of this Regulation, or shall resist or cause to be resisted any process duly issued by the collector or commissioner, to compel a putwarry, gomashtah or other officer to produce his accounts, and to give his evidence respecting them under the provisions contained in Section IX, of this Regulation, it shall be competent to the Board of Revenue or other authority exercising the powers of that Board, on being satisfied that he is guilty of the charge, to adjudge the zemindaror other person so offending, to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and of the offence which he may have committed, and to levy the fine in the mode prescribed for the recovery of arrears of revenue; provided, however, that if the fine shall exceed five hundred rupees, the Board shall submit a report of the case to the Governor Geueral in Council, and shall not proceed to levy the fine until they shall receive authority from Government for that purpose.

Proviſo.

XV. When the party, whose lands it may be proposed to assess, shall appear in conformity with the notice or summons, and shall deliver up his title deeds, the collector shall give a receipt for them, and after duly examining them, shall deliver to the party a statement of the grounds on which his land may appear liable to assessment, with copies, on plain paper, of all documents on which his opinion may be founded. The collector shall then desire the party to deliver a written answer within seven days.

Duty of collector when parties attend and produce their title deeds.

XVI. It shall be the duty of the collector, or other officer exercising the powers of collector, carefully to number, mark, date and sign all documents produced by a zemindar, or other person in possession of the lands proposed to be assessed, in support of his claim, to hold them free of assessment, or as parcel of an estate for which a permanent settlement shall have been concluded, and to insert in his proceedings the title and number of such documents, so that no doubt may exist in regard to their having been exhibited before him; and the collector shall, before proceeding to judgment, warn the party that no accounts or other documentary evidence of any kind which he shall not produce before him, and for not producing which he may not assign good and sufficient cause, will be received at any future period, either by the revenue or judicial authorities, and shall record his having done so on the face of his proceedings.

The ſame ſubject continued.

XVII. On receiving the answer of the party, the collector shall summon any witnesses he may deem necessary to support the claim of Government, with any which the party may desire to have summoned on his behalf, and shall take their depositions in judicial form, and in the presence of the party or his authorized agent.

Witneſſes for and againſt the claim of Government to be examined.

XVIII. The collector shall carefully examine all documents that may be produced by the party, and shall likewise give the party access to inspect all documents on which he may rely, in proof of the liability of the land to assessment.

Documents to be examined and the party to be allowed acceſs to the documents in ſupport of the claim of Government.

XIX. *First.*—The collectors and other officers exercising the powers of collectors, are hereby authorized to summon witnesses and administer oaths, or cause the execution of solemn declarations in lieu thereof, in all cases brought before them under this Regulation, conformably with the provisions of Section VI, Regulation IV, 1793, and Section II, Regulation I, 1803, corresponding with Section VII, Regulation III, 1803, and Clause VI, Section XXV, Regulation VIII, 1803, for the conquered and ceded provinces; provided that if any witness shall refuse to take the oath required from him, he shall be sent to the judge of the zillah or city court, to be confined, as prescribed by the Regulations in similar cases.

Collectors veſted with authority to examine witneſſes on oath, &c. in judicial form.

Rule with regard to witneſſes refuſing to take the oath.

Second.—Any person giving intentionally and deliberately a false deposition on oath, or under a solemn declaration taken instead of an oath, relative to any proceeding depending before a collector or other officer exercising the power of collector, under this Regulation, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall be liable to the penalties prescribed for that offence in the Regulations; and any person causing or procuring another person to commit the offence of perjury, as above described, is declared guilty of subornation of perjury, and punishable under the provisions of the said Regulations.

Penalties for perjury and ſubornation of perjury in the exiſting Regulations applicable to ſuch witneſſes.

Third.—Persons resisting any process issued by the collector, or other officer exercising the power of collector, in any case depending before him under this

Penalties for reſiſtance of proceſs.

Regulation, shall, in addition to the penalty prescribed in Section XIV, be liable to the penalties prescribed for cases of resistance to the process of a collector in Regulation XIV, 1793, Regulation VI, 1795, and Regulation XXVII, 1803, under the provisions therein specified.

Collector how to proceed on the completion of the inquiry.

XX. Having closed his proceedings, the collector shall record his opinion in a Persian roobakarry, detailing the grounds on which it is founded, and whether the lands appear liable to assessment or otherwise, and shall forward his proceedings to the Board of Revenue, or other authority exercising the powers of that Board, in such mode as may be directed by that authority, furnishing the party at the same time with a copy on plain paper of the final roobakarry aforesaid, and reporting his having done so to the Board, or other authority aforesaid.

Boards how to act on the receipt of the collector's proceedings.

XXI. *First.*—The Board of Revenue, or other authority aforesaid, after calling for any further evidence which, on a consideration of the collector's proceedings they may deem wanting, shall, on a day to be fixed by a public notice affixed in the office, not being less than six weeks from the date on which the collector may have furnished the party with a copy of his final roobakarry, and after hearing any thing which the party, if in attendance, may wish to urge in his own behalf, proceed to pass judgment in the case, and shall record their opinion in a Persian roobakarry. delivering a copy thereof to the party, on his requisition to that effect.

Final roobakarries what to contain.

Second.—The final roobakarries, which the collectors and the Boards are by the provisions of this Section directed to record, shall contain a distinct statement of the subject matter of the case, the grounds on which the decision may be given, the names of the witnesses whose depositions may have been taken, and the title of every exhibit read.

In what cases the decision of the Boards to be final.

Third.—If the Board of Revenue or other authority aforesaid, pronounce against the assessment, the proceedings shall be considered final, except on proof in a court of judicature of fraud or collusion in the previous inquiry.

If the land be declared liable to assessment, the collector to form the assessment.

Fourth.—In the event of the Board's declaring the lands liable to assessment, the collector shall inform the party or his vakeel of the decision of the Board, and shall proceed to ascertain the limits of the land, and shall fix an assessment on the principles of the general Regulations on such information as may be procurable.

Under what circumstances the party may be left in possession of the land.

XXII. *First.*—If the party shall within a fortnight of his receiving intimation of the Board's decision, tender to the collector responsible security for the payment, from that date, of the jumma which may eventually be fixed on the land, with interest at the rate of twelve per cent. and shall engage to institute a suit in the court in which the case may be cognizable within ten days, commencing from the date of the deed of security, or (if the court shall be shut, and shall not be opened until after the expiration of such ten days) within three days, calculating from the day on which it may be opened, to try the justness of the demand, the collector shall leave the party in possession as before, reporting the circumstance for the information of the Board;

Proviso.

Provided however, that in such cases the party shall produce all his accounts of collections for the information of the collector, in estimating the amount of the security to be required.

Collector how to proceed if the party do not furnish full security.

Second.—If the party be willing to give security for a portion only of the jumma eventually assessable on the land, it shall be competent to him to do so on the conditions above specified. In this case the collector shall, under the orders of the Board, either hold the lands khas or farm them, for such period as the Board may direct, and shall pay to the party a portion of the collections proportionate to the amount for which he may be willing and able to give responsible security.

The court may determine on the sufficiency of the security tendered.

Third.—It shall be competent to the court to direct the collector to take the security offered by the party if he shall refuse to do so, and the court shall be satisfied that it is sufficient; but it shall rest with the collector, subject to the directions of the Board, to fix the amount for which the surety is to be held bound.

Amount of security how to be regulated

Fourth.—The amount shall not, in the first instance, exceed the estimated annual revenue assessable on the lands, or the amount receivable by the party in one year, with interest; but if at the expiration of one year from the date on which the party may receive intimation of the Board's decision, the suit shall still be pending, it shall be competent to the collector to require additional security for the same amount.

Fifth.

Fifth.—In mocurrerees the parties giving security, and intending to sue, shall continue to pay the mocurreree jumma, and will be required to give security for the remaining revenue, which may be eventually demandable from them. Ditto with regard to mocurrerees.

XXIII. If the party do not give security, or having given security neglect to sue, the collector shall proceed to the final assessment of the land. In what case the collectors authorized to proceed to a final assessment.

XXIV. *First.*—Persons whose lands may be assessed, either in failure to give security, or to institute a suit within the prescribed time, shall nevertheless be entitled to sue any time, within one year from the date of their being informed of the Board's decision, but after the above period shall have elapsed, the decision of the Board shall be final and conclusive; provided, however, that in cases in which the party may be able to show good and sufficient cause for not having sued within the said period, such as minority or absence, no limitation as to time shall prevail other than that generally prescribed by the existing Regulations in regard to private claims. Limitation of time for the institution of suits in civil courts. Proviso.

Second.—Provided also, that in cases in which the Board of Revenue, or other authority exercising the powers of that Board, may have directed the resumption of lands held free of assessment under the powers vested in them by Regulation VIII, 1811, Regulation V, 1813, and Regulations XI, and XXIII, 1817, if the parties whose lands have been assessed shall be able to show good and sufficient cause for not having instituted a suit to try the merits of the Board's decision, within the period prescribed by those Regulations, they shall in like manner be subject only to such limitation in respect to time, as is prescribed generally in regard to private claims. Further proviso.

XXV. If the net annual produce of the land proposed to be assessed shall, after deducting five per cent. for charges of management, and one-eleventh of the remainder as the allowance for malikana, together with the amount of any revenue for which the party may already be liable (as in the case of lands held under a mocurreree tenure) shall not exceed the sum of rupees five hundred, the suit to be instituted under the provisions of the foregoing Section shall be in the first instance heard and determined in the zillah court within the jurisdiction of which the lands in question may be situated. If the net annual produce calculated as above shall exceed the aforesaid sum of rupees five hundred, the suit shall in the first instance be heard and determined in the provincial court. In what courts suits under this Regulation are to be instituted.

XXVI. *First.*—In cases instituted in the zillah court (which shall be determined by the judge, and shall not be referrible to the register) a special appeal only shall lie to the provincial court, and in like manner in cases decided in the first instance by the provincial court, an appeal shall be received by the court of Sudder Dewanny Adawlut, on special grounds only: provided, however, that the above restrictions shall not apply to cases in which the amount in contest shall exceed the sum of five thousand pounds sterling, in which a regular appeal shall lie to the court of Sudder Dewanny Adawlut. Suits instituted in the zillah courts to be tried by the judge, subject to one special appeal to the provincial court. Suits decided in the first instance in the provincial court, subject to a special appeal to the Sudder Dewanny Adawlut. Proviso.

Second.—Provided also, that the provisions contained in Section II, Regulation XXVI, of 1814, shall not be applicable to such appeals, but the Sudder Dewanny Adawlut, or provincial court, in all cases of special appeal being preferred in conformity with the provisions of this Regulation, shall, together with the decree against which such appeal may be lodged, likewise peruse the final roobakarry filed in the case by the Board of Revenue, or other authority exercising the powers of that Board; and if on a consideration of those documents, the decision of the court should appear unjust or erroneous, or doubtful, or its proceedings in the case manifestly irregular or imperfect, or if from the nature of the cause, as stated in the decree or otherwise, it shall appear to them of sufficient importance to merit a further investigation in appeal, they shall admit a special appeal. Provisions of Section II, Regulation XXVI, 1814, not applicable to such appeals.

XXVII. In cases in which parties whose lands the revenue authorities may adjudge liable to assessment, shall bring a suit to contest the decision, in the manner prescribed in Section XXII, of this Regulation, the petition of plaint shall be received on stamped paper of the value of one rupee; provided, however, that if the suit be decided in favour of Government, the plaintiff shall be answerable for the amount of the stamp duty which he would have had to pay under the ordinary rules regarding civil suits, in lieu of the institution fee, unless the court shall decide that there was a fair ground for contesting the decision of the Board. Provision regarding stamped paper and fees on such suits.

Validity of firmauns, ſunnuds, or grants to be carefully aſcertained.

XXVIII. *First.*—On the production of any written document purporting to be a firmaun of any king of Delhi, or to be a sunnud, purwanna, or other grant, of any vizier, or of any nawaub, raja, or other potentate or person formerly exercising authority in any part of the provinces and territories now subject to the British Government, it shall be the duty of the revenue and judicial authorities, before whom such document may be produced, to ascertain the validity and authenticity of it, by reference to such offices and records, and by the examination of such living witnesses, as may be likely to lead to the due appreciation thereof; and the said authorities shall not receive such document in evidence merely on the credit of the seal, or other attestations impressed upon it, without some external evidence in corroboration of its authenticity.

Such deeds not to be received unleſs duly regiſtered.

Second.—Provided also that no document of the above description, which may be produced to any court or adawlut, shall be received, nor any proceedings held thereon, nor any faith given thereto, unless it shall be proved that the said document has been duly registered under the rules and requisitions of Regulations XIX, and XXXVII, 1793, XLI, and XLII, 1795, VIII, 1800, XXXI, and XXXVI, 1803, and VII, 1808, or unless due cause be shown for the non-registry.

The general proviſions of this Regulation applicable to caſes in which the collector may ſuſpect the validity of original tenures of land, ſubſequently commuted for the money penſions noticed in Regulation XXIV, 1803, and Regulation VI. 1817.

XXIX. Whenever a collector or other officer exercising the powers of collector shall have reason to suspect the validity of the original tenure under which any land subsequently commuted for a money pension, of the description noticed in Regulation XXIV, 1803, and Regulation VI, 1817, was held, it shall be competent to him, with the previous sanction of the Board of Revenue, or other authority exercising the powers of that Board, to proceed in the investigation of the tenure under which such land was held, in the same manner as collectors are authorized by this Regulation to proceed in regard to the tenure of lands now held free of assessment; and if the Board shall be of opinion, that the tenure was invalid, it shall be competent to them to resume the money pension granted in consideration thereof, subject to an appeal to the courts of judicature, in the manner prescribed by this Regulation, in cases in which the Board may direct the assessment of land held free of assessment: provided, however, that it shall not be competent to the revenue authorities to resume any money pension of the above description, of which the incumbent may have been in the enjoyment, under orders of the Governor General in Council, for a period of twelve years or more.

Proviſo.

Certain ſuits inſtituted in the civil courts to be referred to the collectors, and parties hereby authorized to prefer certain claims in the firſt inſtance to the collectors.

Proviſo in the latter caſes.

XXX. *First.*—All suits preferred in a court of judicature by proprietors, farmers or talookdars to the revenue of any land held free of assessment, as well as all suits so preferred by individuals claiming to hold lands exempt from revenue, shall, immediately on their institution, be referred for investigation to the collector or other officer exercising the powers of collector: provided also, that proprietors, farmers or talookdars, who may deem themselves entitled to the revenue of any land held free of assessment in their respective estates, talooks or farms, or individuals claiming as aforesaid to hold lands free of assessment, shall be at liberty to prefer their claims in the first instance to the collector; provided further, that the party so preferring his claim directly to the collector, shall, in his petition to the collector, state the particulars of his claim, and the grounds on which it is founded, in like manner as if the suit were instituted in a court of judicature; and the petition shall be written on stamped paper of the value prescribed for petitions of plaint in suits instituted in those courts.

Collector how to proceed when ſuch ſuits are referred to him or inſtituted before him.

Second.—On receiving a petition of the above nature from any proprietor, farmer or talookdar, claiming the revenue of any land held free of assessment in their respective estates, or on a reference being, in such case, made from a court of judicature, the collector shall serve on the defendant a written notice, containing a short statement of the demand, and requiring the defendant to attend in person, or by vakeel, within the period of one month, and to produce all sunnuds or other documents in virtue of which he may possess the lands, and under which they may have been, or may be claimed to be held free of assessment.

Continuation of the ſame ſubject.

Third.—When the defendant shall appear and deliver up his title deeds, the collector, after allowing the claimant to inspect and examine them, shall call upon him to deliver, within the period of seven days, a full statement of the grounds on which, with reference to the documents, he may consider the tenure of the defendant invalid, and the lands liable to assessment, with all documents on which his claim to the revenue of them may be founded.

Fourth.

Fourth.—When the claimant shall have delivered in the said statement and documents, the collector shall proceed to investigate the case, and to record his final judgment on it, in the same manner and with the same powers, as in cases in which he may himself propose to assess lands on account of Government.

Continuation of the same subject.

Fifth.—The parties shall respectively be subject to the same rules in regard to the use of stamped paper, on summoning witnesses and filing exhibits, as are prescribed for suits instituted in the zillah or city courts.

Parties subject to the same rules regarding stamped paper as in regular suits.

Sixth.—In cases in which Government may not be itself a party, and in which the suit may have been originally instituted in a court of judicature, the collector, on closing his proceedings, shall transmit them, with all documents therein referred to, to the court by which the reference may have been made, recording his sentiments on the case as prescribed in Sections XX, and XXI, of this Regulation, and the court shall proceed to decide the case, after calling for such further evidence as may appear necessary; provided, however, that no sunnuds, accounts, or other documentary evidence of any kind, which may not have been produced before the collector, and for not producing which the party may not have assigned a sufficient cause, shall be received by the court.

The collector's proceedings on suits referred to him to be returned to the court with his sentiments.

The court will then decide the case.

Seventh.—In cases of the above description, which may have been preferred directly to the collector, if either of the parties shall be dissatisfied with the decision passed by that officer, he shall be at liberty to appeal to the zillah or city court by a petition written on stamped paper of the value of one rupee; provided, however, that no such appeal shall be received, unless preferred within the period of three months from the date of the collector's decision, or on good and sufficient cause being shown for a further delay.

If the claim shall have been preferred in the first instance to the collector the parties may appeal to the zillah court.

Eighth.—The judge, on receiving such petition, shall require the collector to transmit all the proceedings held by him in the case with the documents therein referred to, and shall proceed to investigate and decide on the case in like manner as if it had been originally instituted in the court, and referred by it to the collector.

Judge will then decide.

Ninth.—In all cases in which Government may be the defendant, or in which the revenue of the lands claimed may form part of an estate liable to a variable assessment, the collector shall, on closing his proceedings, submit them to the Board of Revenue, or other authority exercising the powers of that Board, for their decision. In such cases, if the suit shall have been referred by a court of judicature, the collector shall postpone the transmission of his return to the reference, until he shall receive the orders of the Board or other authority aforesaid, and if the claim shall have been originally preferred to the collector, the courts of judicature shall not interfere until the decision of the Board shall have been passed; provided, however, that in all such cases the decision of the Board shall be recorded in a Persian roobakarry, and transmitted to the collector in that form for the information of the parties; provided further, that in cases in which the claim may have been originally preferred to the collector, the party, if dissatisfied with the decision of the Board, shall be at liberty to appeal to the court by which the case may be cognizable, any time within the period of three months from the date on which the Board's decision may have been communicated to such party or to his vakeel, or in their absence, from the date on which the roobakaree containing the Board's decision may have been brought on the collector's record of the case.

In what case the proceedings to be submitted by the collector to the Board of Revenue.

Decision of the Board how to be communicated.

Parties dissatisfied, at liberty to appeal to the proper civil courts, within specific periods.

Tenth.—If the party shall not apply to the court within the said period, and shall fail to show good and sufficient cause for the delay, the decision of the revenue authorities shall be final, and shall, on application of the party in whose favour it may have been passed, be carried into effect by the courts of judicature, in the manner in which the decrees of courts are executed.

If no such appeal be preferred, the decision to be final.

And to be executed by the courts.

Eleventh.—Provided also, that in cases in which the right of resuming the revenue of lands held free of assessment, or of recovering possession under such a tenure of lands which may have been subjected to assessment, shall have been adjudged by the revenue authorities, the courts shall in like manner carry the decision of the said authorities into immediate effect, notwithstanding the admission of an appeal therefrom, unless the party so applying shall give good and sufficient security for the payment of the mesne profits accruing from the lands under dispute.

Proviso.

Twelfth.—In cases of the above description, which may be decided by the courts of judicature, in appeal from the decision of the revenue authorities, whether the claim

A special appeal only to lie from the decision of the civil court.

claim be preferred in the first instance to the court, or collector, a special appeal only shall be admitted by the superior court, excepting always cases which, from their amount, may be appealable to the King in Council; provided also, that the rules contained in Section XXVI, of this Regulation, shall be applied to all appeals of the above nature.

Declaration that this Regulation shall not be considered to affect the right of proprietors to waste lands which were guaranteed to them at the permanent settlement.

XXXI. *First.*—Nothing in the present Regulation shall be considered to affect the right of the proprietors of estates, for which a permanent settlement has been concluded, to the full benefit of all waste lands included within the ascertained boundaries of such estates respectively, at the period of the decennial settlement, and which have since been or may hereafter be reduced to cultivation. The exclusive advantages resulting from the improvement of all such lands were guaranteed to the proprietors by the conditions of that settlement, and it being left to the courts of judicature to decide on all contested cases, whether lands assessed under the provisions of this Regulation were included at the period of the decennial settlement within the limits of estates for which a settlement has been concluded in perpetuity, and to reverse the decision of the revenue authorities in any case in which it shall appear that lands which actually formed at the period in question a component part of such an estate, have been unjustly subjected to assessment under the provisions of this Regulation, the zemindars, and other proprietors of land, will be enabled by an application to the courts, to obtain immediate redress in any case in which the revenue authorities shall violate, or encroach on the rights secured to them by the permanent settlement.

Nor to warrant the claim of additional revenue from lands permanently assessed on the plea of error or fraud.

Exception.

Second.—It is further hereby declared and enacted, that all claims by the revenue authorities on behalf of Government to additional revenue from lands, which were at the period of the decennial settlement included within the limits of estates for which a permanent settlement has been concluded, whether on the plea of error or fraud, or on any pretext whatever, saving of course the case of lands expressly excluded from the operation of the settlement, such as lakheraj and thannadarry lands, shall be, and be considered wholly illegal and invalid.

A. D. 1819. REGULATION III.

A REGULATION for extending the provisions of Section X, Regulation VIII, 1818, to Robbers, not being Dukyts or Gang Robbers:—Passed by the Governor General in Council on the 16th April 1819; corresponding with the 5th Bysack 1226 Bengal era; the 6th Bysack 1220 Fusly; the 6th Bysack 1226 Willaity; the 6th Bysack 1876 Sumbut; and the 20th Jumadee us Sanee 1234 Higeree.

Preamble.

WHEREAS it has been judged expedient that the provisions contained in Section X, Regulation VIII, 1818, regarding the requisition of security from notorious gang robbers (dukyts) should be rendered applicable to other notorious robbers, not coming under the denomination of dukyts, the following Rules have been enacted, to be in force from the date of their promulgation throughout the provinces subject to the Presidency of Fort William.

Application of Section X, Regulation VIII, 1818, extended to what persons.

II. The provisions contained in Section X, Regulation VIII, 1818, are hereby declared to be applicable, not merely to gang robbers (dukyts), but also to other notorious robbers of whatever denomination, being of desperate or dangerous character, whom it would be unsafe to set at liberty without substantial security for their future good behaviour.

Judges of circuit and other officers to be guided by the foregoing rule in the future execution of their duty.

III. The Judges of Circuit, as well as the officers specially appointed to revise the cases of prisoners in confinement, under requisition of security, will be guided in the future execution of their duty by the foregoing rule, in the same manner as if the purport of it had been originally included in Regulation VIII, 1818.

A. D. 1819. REGULATION IV.

A REGULATION for the appointment of a Board for the superintendence of the Revenue derived from Customs, Town Duties, Salt and Opium :—Passed by the Governor General in Council on the 22d April 1819; corresponding with the 11th Bysack 1226 Bengal era; the 12th Bysack 1226 Fusly; the 12th Bysack 1226 Willaity; the 13th Bysack 1876 Sumbut; and the 26th Jumadee us Sanee 1234 Higeree.

Preamble.

WHEREAS it is desirable that the Board of Revenue should be enabled to devote their attention exclusively to the important arrangements now in progress in the interior of the country, and especially that they should from time to time personally visit the districts under their control; and whereas it appears necessary for that purpose, to relieve the said Board from the superintendence and control of the department of Customs and Town Duties; and whereas with a view to the improvement of these branches of the public revenue, and to the promotion of the interests and convenience of the community, it further appears expedient to vest the superintendence of the several custom houses in the province of Bengal in a distinct Board, which shall sit daily (Sundays and holidays excepted) for the transaction of public business connected with the said custom houses, and shall perform such other duties relating to the commercial concerns of the country, and the perception of the revenue derivable therefrom, as Government shall from time to time direct; and whereas it likewise appears expedient to unite under one authority of control, the departments of customs, salt and opium, and it is also desirable otherwise to modify the constitution of the several Boards intrusted with the superintendence of the territorial revenues of this Presidency; the following Rules have been enacted, to be in force from the first of May next ensuing.

Rules rescinded.

II. *First.*—So much of the rules contained in Regulations IX, and X, 1810, and in any subsequent Regulations as renders the collectors of Government customs and town duties within the province of Bengal, and the officers subordinate to them, subject to the authority of the Board of Revenue, and vests that Board with the several powers and duties relating to those branches of the public revenue, specified in the Regulations aforesaid, is hereby rescinded and annulled.

Further rules rescinded.

Second.—In like manner, so much of the Regulations in force as renders the salt and opium agents, superintendents of salt chokies, and the officers subordinate to them, subject to the Board of Trade, and vests that Board with the several powers and duties specified in the said Regulations, is hereby rescinded and annulled.

Board established, to be denominated the Board of Revenue in the Customs, Salt and Opium Departments.

III. *First.*—A Board shall be constituted, consisting of such number of members as the Governor General in Council may from time to time determine, for the superintendence of the several branches of the public revenue above-mentioned, to be denominated the Board of Revenue in the Customs, Salt and Opium Departments.

The Board vested with what powers in regard to customs and town duties.

Second.—The Board aforesaid is hereby vested with all the duties, powers and authority heretofore legally possessed and exercised by the Board of Revenue with respect to customs and town duties.

Ditto in regard to salt and opium.

Third.—The aforesaid Board are likewise hereby vested with all the powers, duties and authority heretofore legally possessed and exercised by the Board of Trade in the salt and opium departments.

Oaths to be taken by the members of the Board, and by the covenanted servants of the Company attached to it.

Fourth.—The members of the said Board, and the several officers attached to it, being covenanted servants of the Company, shall, previous to entering upon the execution of the duties of their respective offices, severally take the oath prescribed by Act of Parliament for servants of the Company employed in the management and collection of the revenue, before the Governor General in Council, or such person as he may appoint.

The governor general in council may empower one member to exercise the functions and authority vested in the board collectively;

Fifth.—It shall be competent to the Governor General in Council to authorize a single member of the said Board to exercise, either generally or locally, all the duties, power and authority which are vested as aforesaid in the Board collectively, whenever circumstances may render such an arrangement advisable. It shall further be competent

or may authorize each member to exercise those powers in different departments at the same time.

competent to the Governor General in Council to authorize the several members of the said Board, separately, to exercise at the same time and within the same limits, or within distinct limits, such part of the said duties, power and authority, as it may be judged proper to assign to each respectively, whenever for the greater dispatch of business or other cause, it may appear advisable to divide the business of the Board, or to assign any special charge to any member separately.

A. D. 1819. REGULATION V.

A REGULATION for modifying certain parts of the Rules in force, in regard to the conduct of the business of the Mints subordinate to this Presidency:—Passed by the Governor General in Council on the 25th June, 1819; corresponding with the 12th Assaur 1226 Bengal Era; the 17th Assaur 1226 Fusly; the 13th Assaur 1226 Willaity; the 3d Assaur 1876 Sumbut, and the 1st Ramzan 1234 Higeree.

Preamble.

BY Regulation II, 1812, and Regulation XIV, 1818, fixed periods are prescribed for the payment of certificates, granted to individuals in exchange for bullion or coin, delivered into the mints of Calcutta, Benares and Furruckabad: but the importations of bullion may at times be so heavy, as to preclude the possibility of coining it, as tendered for that purpose, within the fixed period; while the exigencies of the state may render it inconvenient to provide for the payment of mint certificates, before the bullion for which they are granted, can be coined: it has become expedient therefore to rescind the said rules, and to reserve to Government the power of fixing from time to time, by public notice, the periods within which the certificates aforesaid shall be payable. It further appears expedient to reserve to the Governor General in Council the power of altering, in like manner, the form and inscription of the coins to be struck at the said mints; provided always, that no diminution be made with regard to the quantity of pure bullion, purported to be contained in each piece of coin respectively. It has likewise been deemed proper to fix the duty to be levied on the coinage of gold bullion and coin, at the same rate as has been established for silver: the following Rules have accordingly been enacted, to be in force from the present date, within the provinces immediately dependant on the Presidency of Fort William.

Rescinding certain rules of former Regulations which prescribe that certificates granted at the different mints for bullion or coin should be payable within the periods therein specified.

II. So much of Clause Fourth, Section VIII, and Section XXXI, Regulation II, 1812, and Clause Fifth, Section III, Regulation XIV, 1818, as prescribes that the mint certificates granted at the mints of Furruckabad, Benares and Calcutta, for bullion or coin, delivered into those mints, shall be payable within the periods therein severally specified, is hereby rescinded and annulled.

The governor general in council will determine the periods for which such certificates should run, and such determination to be made public.

III. The Governor General in Council will from time to time determine the periods for which the certificates aforesaid shall run; such determination to be made public by advertisement in the Government Gazette, and by a notice to be affixed in a conspicuous part of the mint to which the order may refer.

The governor general in council reserves to himself the power of altering the form and inscription of coins.

IV. The Governor General in Council further reserves to himself the power of altering, in like manner, the form and inscription of the coins struck at the said mints.

Modifying former rules and enacting that a duty of two per cent. only be deducted from the produce of gold bullion or coin brought for coinage to the Calcutta mint.

V. In modification of the rules contained in Section V, Regulation II, 1812, and Section V, Regulation XIV, 1818, it is hereby enacted, that from and after the promulgation of this Regulation, a duty of two per cent. only shall be deducted from the produce of gold bullion or coin which may be brought for coinage to the Calcutta mint, in lieu of the duty specified in Table 2, annexed to the last-mentioned Regulation.

A. D. 1819. REGULATION VI.

A REGULATION for rescinding Regulation XIX, 1816, and for enacting other provisions in lieu thereof:—Passed by the Governor General in Council on the 25th June 1819, corresponding with the 12th Assaur 1226 Bengal era; the 17th Assaur 1226 Fusly; the 13th Assaur 1226 Willaity; the 3d Assaur 1876 Sumbut; and the 1st Rumzan 1234 Higeree.

Preamble.

WHEREAS the rules contained in Regulation XIX, 1816, intituled, "A Regulation for the better management of Ferries, &c." have not in their general operation been attended with the advantages contemplated by Government in enacting them; and whereas it has been judged expedient to restrict the interference of the officers of Government in regard to ferries, to objects connected with the maintenance of an efficient police, the safety and convenience of travellers, and the facility of commercial intercourse; and whereas it will in consequence be expedient to place such ferries under the exclusive charge of the magistrates and joint magistrates; the following Rules have been enacted, to be in force throughout the provinces subject to the Presidency of Fort William.

Regulation XIX, 1816, rescinded.

II. *First.*—The provisions of Regulation XIX, 1816, shall be rescinded, and shall cease to have effect from the following dates; viz.

In those districts in which the Bengal era is current, from the date of the promulgation of this Regulation.

In those districts in which the Willaitee era is current, from the commencement of the ensuing Willaitee year 1227.

In those districts in which the Fuslee era is current, from the commencement of the ensuing Fuslee year 1227.

Superintendence of the public ferries vested in the magistrates and joint magistrates.

Second.—From the several dates above specified, the collectors of revenue will refrain from exercising any interference with the public ferries, the immediate superintendence of which shall be vested in the magistrates and joint magistrates.

Description of ferries which are to be considered public ferries.

III. *First.*—No ferries shall be hereafter considered public ferries, except such as may be situated at or near the sudder stations of the several magistrates or joint magistrates, or such as may intersect the chief military routes, or other much frequented roads, or such as from special considerations it may appear advisable to place under the more immediate management of the magistrates and joint magistrates.

Magistrates and joint magistrates interdicted from assuming the charge of unassessed ferries, unless specially authorized

Second.—The Government reserves to itself the power of determining from time to time what ferries shall, under the preceding rule, be deemed public ferries, and as such, shall be subject to the immediate control of the magistrates and joint magistrates; and no magistrate or joint magistrate shall, without previous authority from Government, assume the management of any ferry which may not have been let in farm or held khas, or otherwise subjected to assessment by the collectors, under the provisions of Regulation XIX, 1816,

Lists of proposed ferries to be submitted to Government, through the superintendents of police.

Third.—It will be the duty of the several magistrates and joint magistrates to prepare lists of the ferries which in their judgment should, under the foregoing rules, be considered to be public ferries, and transmit them as soon as prepared, through the superintendents of police, for the information and orders of Government.

Magistrates and joint magistrates empowered to appoint persons to the charge of ferries, and to regulate the rates of toll, number of boats, &c.

IV. *First.*—The power of appointing proper persons to the charge of the public ferries is vested in the magistrates and joint magistrates, who are authorized from time to time to issue such orders as they may judge expedient, for limiting the rates of toll to be levied at each ferry, for regulating the number and description of boats to be maintained, for preventing exactions, and generally for promoting the efficiency of the police, and the safety and convenience of the community.

In what cases manjees or others in charge of public ferries may be removed from their situations

Second.—On proof of any wilful breach of those rules, or of other misconduct on the part of the manjees or other persons in charge of the public ferries, the magistrates and joint magistrates are empowered (independently of any punishment to which the parties may subject themselves under the general Regulations), to remove such individuals and to appoint others in their room.

Specification of persons to be exempted from toll.

Third.—The manjees, or other persons who may be vested with the charge of public ferries, are to engage to cross free of toll the troops of Government, with their baggage and military stores, as well as all police and other native officers of Government who may be actually employed on the public service.

Attested lists of public ferries to be stuck up in the magistrates' and collectors' cutcherries, and in the thannah.

V. A list of all public ferries, bearing the signature of the magistrate or joint magistrate, shall be constantly stuck up in some conspicuous place in their cutcherries, and in that of the collector of the district, and likewise in the thannah within the jurisdiction of which they may be situated.

The exclusive right to public ferries declared to belong to Government, and all private ferries in their vicinity prohibited.

Proviso, in cases of compensation claimed for loss sustained.

VI. *First.*—Such ferries shall exclusively belong to Government, and no person shall be allowed to employ a ferry boat plying for hire at or in their immediate vicinity, without the previous sanction of the magistrate or joint magistrate: provided, however, that due attention shall be paid to all claims for compensation which may be preferred by individuals, for any loss which may be sustained by them, in consequence of the extension of the authority of Government to ferries hitherto under their private management, and which may not have been heretofore let in farm or held khas, or otherwise deemed subject to assessment on account of Government.

Such cases to be investigated and reported to Government.

Second.—Claims of that nature shall be inquired into by the magistrates and joint magistrates, and their opinion on the merits of each case, shall be reported through the channel of the superintendents of police, for the consideration and orders of Government.

Specification of objects to which the magistrates and joint magistrates are to attend, in assuming charge of the public ferries.

VII. *First.*—In assuming the management of public ferries, the general objects of the magistrates and joint magistrates shall be, the maintenance of an efficient police, the safety and convenience of travellers, the facility of commercial intercourse, and the expeditious transport of troops. For the above objects, they shall be careful to provide or cause to be provided safe and commodious boats; they shall fix the rates of toll on a very moderate scale, in no case exceeding, without an indispensable necessity, the rates which prevailed previous to the enactment of Regulation XIX, 1816; they shall adjust the modes of payment, so that the tolls may bear as lightly as possible on the poorer classes of the community, and by leaving a fair profit to the individual who may be chosen for the immediate charge of the ferries, they shall endeavour to secure as far as possible the services of respectable and competent persons.

No collections to be made on account of Government, until the objects specified in the preceding clause have been attained.

Surplus collections how to be appropriated.

Second.—No collections shall be taken on account of Government, from the proceeds of any ferry, until the above objects are fully secured; and if in any case there shall remain a clear surplus profit, after providing adequately for those purposes, the amount collected shall be applied solely to the furtherance of similar objects, such as the repair or construction of roads, bridges and drains, the erection of suraees, or other works of a like nature.

Rule of proceeding in cases where a public ferry shall yield a surplus revenue.

Persons in such cases to enter into an engagement for the payment of instalments.

How the magistrate or joint magistrate is to proceed when the person shall refuse to enter into such an engagement.

Third.—In cases of the latter description, viz. those in which the receipts of any ferry shall be sufficient to afford a surplus revenue as above mentioned, the magistrate or joint magistrate, having previously received special authority from Government in that behalf, may and shall require the person holding or applying for the charge of the ferry, to enter into an engagement for the payment, by monthly or quarterly instalments, of such a sum of money, as with reference to the estimated surplus, may appear justly demandable, without risking the primary objects above indicated; and if any person in charge of a ferry shall refuse to enter into an engagement as aforesaid, and shall not assign sufficient cause for such refusal to the satisfaction of the magistrate or joint magistrate, it shall be competent to such officer, to transfer the charge of the ferry to any other respectable and competent person: provided, however, that no person in charge of a ferry, who shall otherwise conduct himself to the magistrate's satisfaction, shall be removed from his charge under the above rule, excepting at the expiration of the Bengal or Fusly year, according to the era current in the province.

The mode of paying the collections realized under this Section, to be adjusted under the orders of Government.

Proviso.

Fourth.—The mode in which collections made under this Section shall be paid, whether into the treasury of the magistrate or collector, or any other public officer, shall be determined by the orders of Government, and adjusted with the party by the magistrate or joint magistrate, at the time of giving him charge of the ferry or ferries intrusted to him: provided, however, that as a general rule, all persons in charge of ferries subject to the payment of a rent, shall, on discharging any instal-

ments,

ments, receive and be directed to require receipts for the amount, which shall be countersigned by an European officer of Government.

Security for good behaviour to be given by persons in charge of public ferries, as well as for the punctual performance of engagements.

VIII. The magistrate or joint magistrate shall be competent to take security for the good behaviour of persons vested with the charge of public ferries, and in the case of persons who may, under the provisions of the foregoing Section, enter into an engagement for the payment of a yearly rent, it shall likewise be competent to the officers aforesaid to require adequate security for the punctual payment of the amount, as it may become due.

Persons to be allowed to relinquish the charge of ferries on giving ten days notice to the magistrate and on payment of arrears.

Proviso regarding the transfer of boats.

IX. Any person in charge of a public ferry, whether subject to the payment of rent or not, shall be at liberty to relinquish the charge on giving ten days notice to the magistrate or joint magistrate, and on paying any arrears that may be due: provided, however, that it shall in such case be competent to the magistrates or joint magistrates to require any person who may so relinquish the charge of a ferry, or who may be removed from such charge, to transfer the boats belonging to the ferry, to the person who may be appointed to succeed him, at a fair valuation, or to retain the boats until others can be provided, making a suitable compensation to the owner.

How a magistrate or joint magistrate is to proceed for the recovery of the rent of a public ferry from a defaulter.

X. If any person having charge of a ferry, and subjected to the payment of a yearly rent, shall fail to discharge the amount as it may become due, he shall be liable to immediate removal, and the magistrate or joint magistrate, after ascertaining the arrear and certifying the default, will proceed to the recovery of the amount from the party and his surety, in the manner prescribed by Section VII, Regulation XVIII, 1817, for the recovery of public money embezzled by native officers of the civil and criminal courts; giving at the same time a liberal consideration to any pleas which the party may urge in explanation of the default.

Persons on receiving charge of public ferries to be informed of the discretion reserved to the magistrate, for reducing tolls, or extending exemptions.

Proviso, in case a person may wish to relinquish charge.

XI. All persons vested with the charge of public ferries, whether paying any rent or not, shall on accepting the situation be distinctly apprized that the magistrates and joint magistrates reserve to themselves the power of reducing the rates of toll, or extending the exemptions from the payment of it, at such times and in such manner as shall appear proper, with a view to the public good; provided, however, that in the event of any such measures being adopted, the party in charge of the ferry may relinquish the charge, and the magistrate shall in such case purchase from him at a fair valuation, or cause his successor so to purchase, all boats belonging to the ferry, with all articles thereunto appertaining.

Further proviso in such cases.

XII. *First.*—Provided also, that whenever a magistrate or joint magistrate shall adopt such measures in regard to any ferry for which a rent shall have been required from the person vested with the charge of it, the said magistrate or joint magistrate shall, in communicating his orders to the party aforesaid, at the same time apprize him whether he designs to allow any and what reduction in the stipulated rent.

A person if unwilling to pay the fixed rent of a ferry, required first to carry the magistrate's orders into effect, and then to state the rent he may be willing to pay.

Such person to be removed, should his offers be deemed inadequate, and all arrears to be required from him.

Second.—If the person in charge of the ferry shall not be willing or able to pay the rent so fixed by the magistrate or joint magistrate, he shall nevertheless immediately carry the magistrate's or joint magistrate's order into effect, and shall state in his reply to those orders the amount of rent which he may be willing to continue to discharge. Should the offer of the party in charge of the ferry appear inadequate, it shall be competent to the magistrate or joint magistrate to remove him and to place another person in charge of the ferry, purchasing the boats and their appurtenances as aforesaid; but the person so removed shall be required to pay, for the days during which he may retain charge, subsequently to the date of his reply to the magistrate's order, a proportionate rent, calculated at such rate only as he may have tendered.

Magistrates prohibited from interfering with any other than public ferries, except for purposes of police and for the safety of passengers.

XIII. *First.*—The foregoing rules are intended to apply exclusively to those ferries which may be declared to be public ferries; with regard to all other ferries, the magistrates and joint magistrates shall not interfere with them, further than may be necessary for the general maintenance of the police, and for the safety of passengers and property.

Proviso, in cases where persons or property may suffer by boats being overloaded, or inadequately found.

Second.—Provided, however, that if any person shall be drowned or exposed to imminent danger, or if any property shall be lost or damaged by the oversetting or sinking of a ferry boat, and it shall be established on inquiry before the magistrate or joint magistrate, that the boat was overloaded with passengers or property, or

Punishment to which manjees or others are declared liable on conviction in such cases.

was insufficiently manned, or was out of repair at the time of the accident, the manjee of the ghaut or boat, if duly convicted of permitting his boat to be overloaded, or to be insufficiently manned or out of repair, shall be liable to such punishment as the magistrate or joint magistrate may think proper to impose, not exceeding imprisonment for six months, or a fine of two hundred rupees.

Annual statements of public ferries made up to the 1st January in each year, to be forwarded by the magistrates to Government, through the superintendents of police.

What such statements are to contain.

XIV. An annual statement made up to the first of January of each year shall be forwarded by the several magistrates and joint magistrates to the superintendents of police, exhibiting the number of public ferries in each district, the amount of the net assessment realized from such of them as may be subject to assessment, and the purposes to which the amount so realized may have been appropriated under Clause Second, Section VII, of this Regulation. In submitting to Government the results of those statements, the superintendents of police will offer any suggestions which may appear to them calculated to facilitate or to improve the practical operation of the system.

A. D. 1819. REGULATION VII.

A REGULATION for declaring certain Misdemeanors punishable by the Magistrates; and for defining the Punishment to be adjudged in such cases:—Passed by the Governor General in Council on the 9th July 1819, corresponding with the 26th Assaur 1226 Bengal era; the 2d Sawun 1226 Fusly; the 27th Assaur 1226 Willaity; the 2d Sawun 1876 Sumbut; and the 15th Rumzan 1234 Higeree.

Preamble.

IT has been represented to Government, that in some parts of the country, and especially in cities and large towns, the peace and happiness of families are often destroyed by evil disposed persons, chiefly women, who are employed to entice and take away the wives, or female children of the fixed inhabitants from their respective houses, for the purpose of rendering them prostitutes, or concubines, or of otherwise unlawfully disposing of them, to their serious detriment, and to the injury of their husbands and parents. It has also been stated, that great distress to women and children is frequently occasioned by husbands and fathers deserting their families, and neglecting to provide for their support, although possessing the means of maintaining them; as well as from a similar neglect by the fathers of illegitimate offspring, in neither providing for the support of such offspring, or their mothers. The speedy cognizance and punishment of such misdemeanors by the zillah and city magistrates, and joint magistrates, subject to the regular control of the Courts of Circuit, appear to be the most efficient means of preventing, or checking, the culpable practices above described. It is further judged expedient to empower the magistrates and joint magistrates to take cognizance of certain misdemeanors committed by workmen and domestic servants, in cases not expressly provided for by any existing Regulation; at the same time maintaining the just claims of workmen and servants upon their respective employers. The Governor General in Council has accordingly enacted the following Rules, to be in force as soon as promulgated throughout the provinces immediately subject to the Presidency of Fort William.

Magistrates how to punish persons guilty of enticing or of causing to be enticed from their homes, married or unmarried females for illegal purposes.

II. If any person amenable to the jurisdiction of the zillah and city courts shall be convicted before a zillah or city magistrate, or joint magistrate, of the offence of enticing and taking away, or causing to be enticed and taken away, a married woman living under the protection of her husband, or of any person having the care of her in his behalf; or of enticing and taking away, or causing to be enticed and taken away, an unmarried female, under the age of maturity, viz. fifteen years, and living with her parents or other legal guardians, or any persons acting in their behalf, for the purpose of rendering such married woman, or unmarried female minor, a prostitute or concubine, or otherwise disposing of her in an unlawful manner, without the consent of the husband, parent or other guardian of the woman or minor thus disposed of, the person so convicted shall be liable to a sentence of fine and imprisonment, to such extent as may appear adequate to the circumstances of the case, and may not exceed the powers vested in the magistrates by Section XIX, Regulation IX, 1807, viz. imprisonment for six months, and a fine not exceeding two hundred rupees, commutable, if not paid, to a further period

The sentence to be such as may appear adequate to the case, but the powers hereby vested in magistrates in no instance to exceed those vested

period of imprisonment, not exceeding six months. If in any instance the offender shall appear to merit a more severe punishment, he shall be committed for trial before the Court of Circuit; and the provisions of Section VI, Regulation XVII, 1817, are hereby declared applicable to all such commitments.

in them by Section XIX, Regulation IX, 1807.

If the crime appear to merit a ſeverer puniſhment, magiſtrates in what manner to proceed.

III. Any person amenable to the jurisdiction of the zillah and city courts, who may possess the means of supporting his wife and children, and shall notwithstanding desert them and wilfully neglect to provide for their support, on proof thereof to the satisfaction of the magistrate, or joint magistrate, of the zillah or city in which the party so deserting and neglecting his family may reside, shall be required to provide for the maintenance of his family in a suitable manner, according to his situation and circumstances in life; and on his failing so to do, shall be considered guilty of a misdemeanor, and be liable to imprisonment for a period not exceeding one month. He shall also be liable to a repetition of the sentence, upon any subsequent conviction of a similar misdemeanor, after having been required to provide for the support of his family; provided, however, that nothing in this Section shall render a husband liable to punishment for not maintaining his wife, if it be clearly shown, that the latter has forfeited all just claim to support from her husband, by living in adultery with another person, or by other acts implying wilful abandonment of his protection.

Perſons convicted of deſerting their wives and families, and of wilfully neglecting to ſupport them, to be required ſo to do by the magiſtrate, and on failure ſubject to what puniſhment.

Proviſo.

IV. The above Section shall be held applicable to illegitimate, as well as to legitimate children; and may also be applied at the discretion of the magistrate, to secure a proper maintenance for the mothers of illegitimate offspring, whilst in a state of pregnancy, or having the care of an infant child.

What perſons other than wives and legitimate children entitled to the benefit of the above Section.

V. All persons who may voluntarily engage to serve as workmen, of any description, for a stipulated term, or who may voluntarily contract for the performance of any specific work, and who without good and sufficient cause, shall wilfully quit the service so engaged for, before the expiration of the term agreed upon, or shall wilfully neglect to perform the work so contracted for, shall be deemed guilty of a misdemeanor, and on conviction before a magistrate, or joint magistrate, shall be liable to a sentence of imprisonment not exceeding one month. The magistrate or joint magistrate may likewise require the persons so convicted to complete their stipulated term of service, or to perform the work contracted for, if it appear just and proper to require the same; and any subsequent conviction of wilful neglect to comply with such requisition, shall be punishable by a further sentence of imprisonment, not exceeding two months.

Workmen engaging for a ſtipulated term, or contracting for the performance of work, and without ſufficient cauſe quitting the ſervice or work engaged for, are puniſhable by the magiſtrates, in what manner.

VI. *First.*—The provisions of the foregoing Section are also declared applicable to domestic servants, who may engage to serve for any fixed term, or during the performance of any specific service, or though no such engagement have been entered into, may be employed from month to month, and without good and sufficient cause shall wilfully quit the service of their employers before the expiration of the fixed term, or before the completion of the stipulated service, or with respect to monthly servants, without giving previous notice for a period not less than fifteen days.

To what other perſons the proviſions of the above Section applicable.

Second.—In like manner no master, or other person, employing a servant for a fixed term, or for a specific service, or from month to month, shall be at liberty, without good and sufficient cause, to discharge such servant, against his will, before the expiration of the fixed term, or the completion of the specified service, or with respect to servants employed from month to month, without giving previous warning of the intended discharge for a period of at least fifteen days, or paying his wages for that period.

Rule to control diſcharge of ſervants of their maſters in certain caſes.

Third.—It shall be the duty of the magistrates and joint magistrates, on applications made to them upon the stamped paper prescribed in Section XVIII, Regulation I, 1814, (viz. bearing a stamp of eight annas), to enforce the provisions of the above Clause, by causing payment to any servant who may be discharged in opposition thereto, of a sum equal to half a month's wages, in addition to any arrear of wages which may be due to him at the time of his discharge; or if the servant have been engaged for a fixed term, or for a specific service, by causing payment to be made to him of such sum as may appear fully adequate to any loss sustained by him from being discharged before the time agreed upon.

Magiſtrates to enforce the proviſions of the above Clauſe, on application being made to them on the preſcribed ſtamped paper, and in what manner.

Proviſo.

Fourth.—Provided, however, that no servant shall be entitled to recover more than his arrear of wages, when he may be discharged for any misconduct proved to the satisfaction of the magistrate or joint magistrate, and appearing sufficient to warrant his discharge. Nor shall any workman or servant be liable to punishment under the provisions of this Regulation, when it may be proved, to the satisfaction of the magistrate and joint magistrate, that his quitting the service of his employer, without previous notice, or before the expiration of a stipulated term, or without having completed the performance of any work contracted for, was occasioned by gross mal-treatment, or by non-payment of wages due, or by any other cause which may appear to the magistrate or joint magistrate sufficient to justify or excuse the act complained of.

In what caſes the proviſions of this Regulation ſhall not be enforced againſt a workman or ſervant quitting his employer without previous notice, or before the expiration of a ſtipulated term, or without having completed the work contracted for.

VII.—The whole of the sentences which may be passed by a magistrate, or joint magistrate, under any part of this Regulation, will of course be open to the regular control of the Court of Circuit of the division, according to the general rules in force upon this subject.

All ſentences paſſed by magiſtrates under any part of this Regulation, open to the control of the Courts of Circuit.

A. D. 1819. REGULATION VIII.

A REGULATION to declare the validity of certain Tenures, and to define the relative rights of Zemindars and Putnee Talookdars, also to establish a process for the sale of such Talooks in satisfaction of the Zemindar's demand of rent, and to explain and modify other parts of the system established for the collection of rents generally throughout Bengal:—Passed by the Governor General in Council on the 3d September 1819, corresponding with the 19th Bhadoon 1226 Bengal era; the 29th Bhadoon 1226 Fusly; the 20th Bhadoon 1227 Willaity; the 14th Bhadoon 1876 Sumbut; and the 12th Zekaad 1234 Higeree.

Preamble.

BY the rules of the perpetual settlement, proprietors of estates paying revenue to Government, that is the individuals answerable to Government for the revenue then assessed on the different muhals, were declared to be entitled to make any arrangements for the leasing of their lands in talook or otherwise, that they might deem most conducive to their interests. By the rules of Regulation XLIV, 1793, however, all such arrangements were subjected to two limitations; first, that the jumma, or rent, should not be fixed for a period exceeding ten years; and secondly, that in case of a sale for Government arrears, such leases or arrangements should stand cancelled from the day of sale. The provisions of Section II, Regulation XLIV, 1793, by which the period of all fixed engagements for rent was limited to ten years, have been rescinded by Section II, Regulation V, 1812; and in Regulation XVIII, of the same year it is more distinctly declared, that zemindars are at liberty to grant talooks or other leases of their lands, fixing the rent in perpetuity at their discretion, subject however to the liability of being dissolved on sale of the grantor's estate for arrears of the Government revenue, in the same manner as heretofore. In practice the grant of talooks and other leases at a rent fixed in perpetuity had been common with the zemindars of Bengal for some time before the passing of the two Regulations last mentioned; but, notwithstanding the abrogation of the rule which declared such arrangements null and void, and the abandonment of all intention or desire to have it enforced as a security to the Government revenue in the manner originally contemplated, it was omitted to declare in the rules of Regulations V, and XVIII, of 1812, or in any other Regulation, whether tenures at the time in existence and held under covenants or engagements entered into by the parties in violation of the rule of Section II, Regulation XLIV, 1793, should, if called in question, be deemed invalid and void as heretofore. This point it has been deemed necessary to set at rest by a general declaration of the validity of any tenures that may be now in existence, notwithstanding that they may have been granted at a rent fixed in perpetuity, or for a longer term than ten years, while the rule fixing this limitation to the term of all such engagements, and declaring null and void any granted in contravention thereto, was in force. Futhermore, in the exercise of the privilege thus conceded to zemindars under direct engagements with Government, there has been created a tenure which had its origin on the estates of the Rajah of Burdwan, but has since been extended to other zemindaries, the character of which tenure is, that it is a talook created by the zemindar, to be held at a rent fixed in perpetuity by the lessee and his heirs for ever;

ever; the tenant is called upon to furnish collateral security for the rent, and for his conduct generally, or he is excused from this obligation at the zemindar's discretion; but even if the original tenant be excused, still in case of sale for arrears, or other operation leading to the introduction of another tenant, such new incumbent has always in practice been liable to be so called upon at the option of the zemindar; by the terms also of the engagements interchanged, it is amongst other stipulations provided, that in case of an arrear occurring, the tenure may be brought to sale by the zemindar, and if the sale do not yield a sufficient amount to make good the balance of rent at the time due, the remaining property of the defaulter shall be further answerable for the demand. These tenures have usually been denominated putnee talooks, and it has been a common practice of the holders of them to underlet on precisely similar terms to other persons, who on taking such leases went by the name of durputnee talookdars: these again sometimes similarly underlet to seputneedars, and the conditions of all the title deeds vary in nothing material from the original engagements executed by the first holder. In these engagements, however, it is not stipulated whether the sale thus reserved to himself by the grantor is for his own benefit, or for that of the tenant; that is, whether in case the proceeds of sale should exceed the zemindar's demand of rent, the tenant would be entitled to such excess; neither is the manner of sale specified, nor do the usages of the country nor the regulations of Government afford any distinct rules, by the application of which to the specific cases, the defects above alluded to could be supplied, or the points of doubt and difficulty involved in the omission be brought to determination in a consistent and uniform manner. The tenures in question have extended through several zillahs of Bengal, and the mischiefs which have arisen from the want of a consistent rule of action for the guidance of the courts of civil judicature in regard to them, have been productive of such confusion as to demand the interference of the legislature: it has accordingly been deemed necessary to regulate and define the nature of the property given and acquired on the creation of a putnee talook as above described, also to declare the legality of the practice of underletting in the manner in which it has been exercised by putneedars and others, establishing at the same time such provisions as have appeared calculated to protect the under-lessee from any collusion of his immediate superior with the zemindar, or other, for his ruin, as well as to secure the just rights of the zeminder on the sale of any tenure under the stipulations of the original engagements entered into with him.—It has further been deemed indispensible to fix the process by which the said tenures are to be brought to sale, and the form and manner of conducting such sale; and whereas the estates of zemindars under engagements with Government are liable to be brought to sale at any time for an arrear in the revenue, payable by monthly kists to Government, it has seemed just to allow any zemindar who may have granted tenures with a stipulation of the right to sell for arrears, the opportunity of availing himself of this means of realizing his dues in the middle of the year, as well as at the close, instead of only at the end of the Bengal year, as heretofore allowed by the regulations in force; it has further been deemed equitable to extend this rule to all cases in which the right of sale may have been reserved, even though in conformity with the regulations heretofore in force the stipulation for sale contained in the engagements interchanged may have restricted such sale to the case of a demand of rent remaining unpaid, at the close of the Bengal year. It has been likewise deemed advisable to explain and modify some of the existing rules for the collection of rents, with a view to render them more efficacious than at present, as well as to provide against sundry means of evasion now resorted to by defaulters. The following Rules have accordingly been enacted by his Excellency the most noble the Governor General in Council, to take effect from the date of their promulgation throughout the several districts of the province of Bengal, including Midnapore.

Leafes fixing rent in perpetuity, or for a longer term than ten years, declared valid, though executed while Section II, Regulation XLIV, 1793, was in force.

II. It is hereby declared that any leases or engagements for the fixing of rent now in existence, that may have been granted or concluded for a term of years, or in perpetuity, by a proprietor under engagements with Government, or other person competent to grant the same, shall be deemed good and valid tenures, according to the terms of the covenants or engagements interchanged, notwithstanding that the same may have been executed before the passing of Regulation V, 1812, and while the rule of Section II, Regulation XLIV, 1793, which limited the period for which it was lawful to grant such engagements to ten years, and declared all that might be entered into for a longer term to be null and void, was in full force and effect; and

notwithstanding that the stipulations of the said leases may be in violation of the rule in question: provided, however, that nothing herein contained shall be held to exempt any tenures held under engagements from proprietors of estates paying revenue to Government, from the liability to be cancelled on sale of the said estates for arrears of the said revenue, under the rule of Section V, Regulation XLIV, 1793, unless specially exempted from such liability by the rule in question, or by any other specific rule of the Regulations in force.

Putnee tenures declared valid, transferable and answerable for debt.

III. *First.*—The tenures known by the name of putnee talooks, as described in the preamble to this Regulation, shall be deemed to be valid tenures in perpetuity, according to the terms of the engagements under which they are held. They are heritable by their conditions; and it is hereby further declared, that they are capable of being transferred by sale, gift or otherwise, at the discretion of the holder, as well as answerable for his personal debts, and subject to the process of the courts of judicature, in the same manner as other real property.

Putneedars right of underletting declared.

Second.—Putnee talookdars are hereby declared to possess the right of letting out the lands composing their talooks in any manner they may deem most conducive to their interest, and any engagements so entered into by such talookdars with others shall be legal and binding between the parties to the same, their heirs and assignees: provided, however, that no such engagements shall operate to the prejudice of the right of the zemindar to hold the superior tenure, answerable for any arrear of his rent, in the state in which he granted it, and free of all incumbrance resulting from the act of his tenant.

Putnee tenures declared not voidable for arrears.

Third.—In case of an arrear occurring upon any tenure of the description alluded to in the first Clause of this Section, it shall not be liable to be cancelled for the same, under the rule contained in the seventh Clause of Section XV, Regulation VII, 1799, for leases conveying a limited interest in the land; but the tenure shall be brought to sale by public auction, and the holder of the tenure will be entitled to any excess in the proceeds of such sale, beyond the amount of the arrear of rent due; subject, however, to the provisions contained in Section XVII, of this Regulation.

Inferior tenures held under similar title deeds will be deemed to confer a similar interest to that provided for putnee talooks in Section III.

IV. If the holder of a putnee talook shall have underlet in such manner as to have conveyed a similar interest to that enjoyed by himself, as explained in the preamble to this Regulation, the holder of such a tenure shall be deemed to have acquired all the rights and immunities declared in the preceding Section to attach to putnee talooks, in so far as concerns the grantor of such under tenure. The same construction shall also hold in the case of putnee talooks of the third or fourth degree.

Zemindar not entitled to refuse to give effect to a transfer.

But may demand his fee.

Fee fixed at two per cent. on the jumma.

But the *maximum* one hundred rupees.

May also demand security.

As far as half the jumma.

Above rules to apply to sales in execution and all alienations.

But no fee on sale for arrears.

V. The right of alienation having been declared to vest in the holder of a putnee talook, it shall not be competent to the zemindar or other superior, to refuse to register, and otherwise to give effect to such alienations, by discharging the party transferring his interest from personal responsibility, and by accepting the engagements of the transferee. In conformity however with established usage, the zemindar or other superior shall be entitled to exact a fee upon every such alienation, and the rate of the said fee is hereby fixed at two per cent. on the jumma or annual rent of the interest transferred, until the same shall amount to one hundred rupees, which sum shall be the *maximum* of any fee to be exacted on this account. The zemindar shall also be entitled to demand substantial security from the transferee or purchaser, to the amount of half the jumma or yearly rent, payable to him from the tenure transferred; the condition of furnishing such security on requisition being understood to be one of the original liabilities of the tenure. The above rules shall apply equally to the case of a sale made in execution of a decree or judgment of court, as to all other alienations, but it shall not apply to the case of sale for an arrear in the rent due to the zemindar or other superior, under the rules hereinafter contained. The purchaser at such a sale shall be entitled to have his name registered, and to obtain possession without fee, though of course liable to be called on to give security under the conditions of the tenure purchased.

Zemindar may refuse sanction to transfer, till fee and security be tendered.

Sufficiency of security, if contested, to be determined by appeal to civil court.

VI. It shall be competent to the zemindar or other superior to refuse the registry of any transfer, until the fee above stipulated be paid, and until substantial security to the amount specified be tendered and accepted: provided, however, that if the security tendered by any purchaser or transferee, should not be approved by the zemindar, and the party tendering it shall be dissatisfied with such rejection, he

he shall be competent to appeal therefrom by petition or common motion in the civil court of the district, which authority, if satisfied of the sufficiency of the security tendered, shall issue an injunction on the zemindar to accept it, and give effect to the transfer without delay. It is hereby provided, that the rules of this and of the preceding Section shall not be held to apply to transfers of any fractional portion of a putnee talook, nor to any alienation other than of the entire interest, for no apportionment of the zemindar's reserved rent can be allowed to stand good, unless made under his special sanction.

Upon public sale, if security be not tendered within one month, zemindar may attach.

VII. In case of the sale of a putnee tenure in execution of a judgment of court, if the purchaser do not within the period of one month from the sale conform to the rules of Section V, of this Regulation, in order to obtain the transfer of his tenure by the superior to whom the rent fixed upon it is payable, the zemindar or other superior shall be entitled, of his own authority, to send a suzawul to attach and hold possession of the tenure, until the forms prescribed be observed. In case also of the sale of a putnee tenure for arrears of the rent due upon it, under the rules of this Regulation, if security be required by the zemindar, and the purchaser fail to furnish the same within one month of the date of sale, the zemindar shall similarly be entitled to send a suzawul to attach and hold possession of the interest which may have passed on the sale, to the exclusion of the purchaser, until the prescribed security be given. Attachments made under this Section shall be regarded as trusts for the benefit and at the risk of the purchasers; consequently, after deducting the rent due and the expense of attaching, any surplus that may be yielded by the collections, shall be held in deposit for such purchaser: but if the collections for the time fall short of the rent, the tenure and person of the proprietor shall be liable in the same manner as if no attachment had been made, and the accounts produced by the zemindar or other superior making the attachment, shall be received as *primâ facie* evidence to warrant process for an arrear so accruing.

Attachment to have the effect of a trust.

Zemindars to be allowed periodical sales of tenures, in which right to sell for arrears is reserved by stipulation.

VIII. *First.*—Zemindars, that is, proprietors under direct engagements with the Government, shall be entitled to apply in the manner following for periodical sales of any tenures, upon which the right of selling or bringing to sale for an arrear of rent may have been specially reserved by stipulation in the engagements interchanged, on the creation of the tenure. The exercise of this power shall not be confined to cases in which the stipulation for sale may have been unrestricted in regard to time, but shall apply equally to tenures held under engagements stipulating merely for a sale at the end of the year, in conformity with the practice heretofore allowed by the Regulations in force.

First sale to be applied for on the first of Bysakh.

Second.—On the first day of Bysakh, that is, at the commencement of the following year from that of which the rent is due, the zemindar shall present a petition to the civil court of the district, and a similar one to the collector, containing a specification of any balances that may be due to him on account of the expired year from all or any talookdars or other holders of an interest of the nature described in the preceding Clause of this Section. The same shall then be stuck up in some conspicuous part of the kucheree, with a notice that if the amount claimed be not paid before the first of Jyte following, the tenures of the defaulters will on that day be sold by public sale in liquidation. Should however the first of Jyte fall on a Sunday or holiday, the next subsequent day, not a holiday, shall be selected instead; a similar notice shall be stuck up at the sudder kucheree of the zemindar himself, and a copy or extract of such part of the notice as may apply to the individual case shall be by him sent, to be similarly published at the kucheree, or at the principal town or village upon the land of the defaulter. The zemindar shall be exclusively answerable for the observance of the forms above prescribed, and the notice required to be sent into the mofussil shall be served by a single peon, who shall bring back the receipt of the defaulter, or of his manager for the same; or in the event of inability to procure this, the signatures of three substantial persons residing in the neighbourhood, in attestation of the notice having been brought and published on the spot. If it shall appear from the tenor of the receipt or attestation in question, that the notice has been published at any time previous to the fifteenth of the month of Bysakh, it shall be a sufficient warrant for the sale to proceed upon the day appointed. In case the people of the village should object or refuse to sign their names in attestation, the peon shall go to the kucheree of the nearest moonsiff, or if there should be no moonsiff, to the nearest thanna, and there make voluntary oath of the same

Notice to be published that it will take place on the first of Jyte.

Notice to be sent into the mofussil.

Rules for serving it.

having been duly published, certificate to which effect shall be signed and sealed by the said officers and delivered to the peon.

Mid year sale to be applied for on the first of Kartick.

Third.—On the first day of Kartick in the middle of the year, the zemindar shall be at liberty to present a similar petition, with a statement of any balances that may be due on account of the rent of the current year up to the end of the month of Asin, and to cause similar publication to be made of a sale of the tenures of defaulters, to take place on the first of Aughun, unless the whole of the advertised balance shall be paid before the date in question, or so much of it as shall reduce the arrear, including any intermediate demand for the month of Kartick to less than one fourth, or a four anna proportion of the total demand of the zemindar, according to the kistbundee, calculated from the commencement of the year to the last day of Kartick.

Notice as above for sale the first of Aughun.

If arrear be not less than one fourth of demand.

Register to conduct the sale.

IX. All sales of saleable tenures applied for under the rules of this Regulation, shall be made in public kucheree by the register or acting register of the civil court, or in his absence by the person in charge of the office of judge or of magistrate of the district, within which the lands may be situated; the land shall be sold to the highest bidder, and every one not the actual defaulter, shall be free to bid, not excepting the person in satisfaction of whose demand the sale may be made, nor the under tenants of the defaulter; fifteen per cent. of the purchase money shall be paid immediately the lot is knocked down, and the officer conducting the sale shall be competent to refuse to accept a bid, or to knock down a lot to any bidder, unless he has assurance to his satisfaction that the amount required to be deposited is in hand for the purpose, or will be produced within two hours. If the fifteen per cent. be not paid in cash or in notes of the Bank of Bengal, within two hours of the sale, or an equivalent amount in government securities be not lodged, the lot shall be resold on the same day, and if the remainder of the purchase money be not paid by noon of the eighth day, notice shall be given of resale on the following day, that is, on the ninth from the first sale, by proclaiming the same by beat of drum through the bazar of the sudder station of the zillah, after which the lot shall be resold at the appointed time at the risk of the first purchaser, who shall forfeit the advance of fifteen per cent. already made, (which shall be in such case regarded as part of the proceeds of the sale,) and be further answerable for any sum in which the proceeds of the second sale may fall short of the antecedent one; such deficiency to be levied by the process for the execution of decrees of the civil courts.

Rules for bidding, &c.

Fifteen per cent. to be paid on sale.

Or lot to be resold after two hours.

Failing remainder, resale on ninth day after.

Forms to be observed on selling.

X. At the time of the sale the notice previously stuck up in the kucheree shall be taken down, and the lots be called up successively in the order in which they may be found in that notice. A person shall attend on the part of the zemindar, with a particular statement of the payments made up to the day of sale, on account of the balance of each advertised lot, together with the receipt for, or certificate of the notice directed to be published in the mofussil, nor shall any lot be put up to sale until the statement produced shall have been inspected and the existence of a balance for the year ascertained therefrom, nor until the receipt for the notice shall have been read; the observance of which forms shall be recorded in a separate roobakaree to be held upon each lot sold. If the sale be of the description provided for in the third Clause of Section VIII, of this Regulation, the kistbundee of the defaulter shall likewise be produced, in order that it may be seen that the balance remaining unpaid exceeds a four anna proportion of the demand up to the date of sale; nor shall the sale take place unless this be ascertained. The zemindar shall be exclusively responsible for the correctness and authenticity of the papers to be thus exhibited, nor shall the public officer making the sale be answerable in any respect, except for its fairness and publicity, and for the observance of the rules prescribed for his guidance in this Regulation.

Zemindar to certify balance,

And service of notice in mofussil.

On his own responsibility.

Tenure to be sold free of incumbrance by act of defaulter.

XI. *First.*—It is hereby declared, that any talook or saleable tenure that may be disposed of at a public sale under the rules of this Regulation, for arrears of rent due on account of it, is sold free of all incumbrances that may have accrued upon it by act of the defaulting proprietor, his representatives or assignees, unless the right of making such incumbrances shall have been expressly vested in the holder by a stipulation to that effect in the written engagements under which the said talook may have been held. No transfer by sale, gift or otherwise, no mortgage or other limited assignment, shall be permitted to bar the indefeasible right of the zemindar to hold the tenure of his creation answerable in the state in which he created it,

for

for the rent, which is in fact his reserved property in the tenure, except the transfer or assignment should have been made with a condition to that effect, under express authority obtained from such zemindar.

No under-leaſe to-ſtand after ſale.

Second.—In like manner, on sale of a talook for arrears, all leases originating with the holder of the former tenure, if creative of a middle interest between the resident cultivators and the late proprietor, must be considered to be cancelled, except the authority to grant them should have been specially transferred; the possessors of such interests must consequently lose the right to hold possession of the land, and to collect the rents of the ryots; this having been enjoyed merely in consequence of the defaulter's assignment of a certain portion of his own interest, the whole of which was liable for the rent.

Exception in favour of *bonâ fide* engage-ments with ryots.

Third.—Provided nevertheless, that nothing herein contained shall be construed to entitle the purchaser of a talook or other saleable tenure intermediate between the zemindar and actual cultivators, to eject a khodkast ryot, or resident and hereditary cultivator, nor to cancel *bonâ fide* engagements made with such tenants by the late incumbent, or his representative, except it be proved in a regular suit, to be brought by such purchaser, for the adjustment of his rent, that a higher rate would have been demandable at the time such engagements were contracted by his predecessor.

Above rule to take effect retroſpectively.

XII. The rules of the preceding Section being declaratory of the principle to be observed on all occasions, wherein saleable tenures are made responsible for the zemindar's reserved rent, will equally apply to the case of talooks heretofore sold, as to those that may be sold henceforward, if the sale shall have been fair, and the process observed in conducting it shall have been that recognized and in use in the district at the time of selling. Nothing however herein contained shall operate to the prejudice of any agreement, express or implied, now subsisting between the purchaser of a talook and the lessees of his predecessor. Neither shall the rule for the fall of under tenures be considered to apply to any private transfer by a talookdar of his own interest, nor to a public sale in execution of a decree, nor to the case of a relinquishment by the talookdar in favour of the zemindar, nor to any act originating with the former holder, other than default as aforesaid; all such operations involve only a transfer of the tenure in the state in which it may be held at the time, and the new incumbent succeeds to no more than the reserved rights of the former tenant, such as they may be, and is of course subject to any restriction put upon the tenure by his act.

Proviſo.

But not to apply to private transfers.

Reaſon for allowing under-tenants a means of ſtaying ſale.

XIII. *First.*—With reference to the injury that may be brought upon the holder of a talook of the second degree, by the operation of the preceding rules, in case the proprietor of the superior tenure purposely withholds the rent due from himself to the zemindar, after having realized his own dues from the inferior tenantry, it is deemed necessary to allow such talookdars the means of saving their tenures from the ruin that must attend such a sale, and the following Rules have accordingly been enacted for this purpose.

Manner of doing ſo.

Second.—Whenever the tenure of a talookdar of the first degree may be advertised for sale in the manner required by the second and third Clauses of Section VIII, of this Regulation, for arrears of rent due to the zemindar, the talookdars of the second degree, or any number of them, shall be entitled to stay the final sale, by paying into court the amount of balance that may be declared due by the person attending on the part of the zemindar on the day appointed for sale; in like manner they shall be entitled to lodge money antecedently, for the purpose of eventually answering any demand that may remain due on the day fixed for the sale, and should the amount lodged be sufficient, the sale shall not proceed, but after making good to the zemindar the amount of his demand, any excess shall be paid back to the person or persons who may have lodged it.

By lodging the ad-vertiſed balance.

In caſe of rent due being lodged.

Third.—If the amount so lodged shall be rent due by the inferior talookdar to the holder of the advertised tenure, the same shall be stated at the time of making the deposit, and the amount shall be carried to the account of the tenant or tenants lodging it, and be deducted from any claim of rent that may at the time be pending, or be thereafter brought forward against him or them by the proprietor of the advertised tenure, on account of the year or months for which the notice of sale may have been published.

Credit to be given

In caſe of advance from private funds.

Fourth.—If the person or persons making such a deposit, in order to stay the sale of the superior tenure, shall have already paid the whole of the rent due from himself or themselves, so that the amount lodged is an advance from private funds, and not a disbursement on account of the said rent, such deposit shall not be carried to credit in, or set against future demands for rent, but shall be considered as a loan made to the proprietor of the tenure preserved from sale by such means, and the talook so preserved shall be the security to the person or persons making the advance, who shall be considered to have a lien thereupon, in the same manner as if the loan had been made upon mortgage; and he or they shall be entitled, on applying for the same, to obtain immediate possession of the tenure of the defaulter, in order to recover the amount so advanced from any profits belonging thereto. If the defaulter shall desire to recover his tenure from the hands of the person or persons, who by making the advance may have acquired such an interest therein, and entered on possession in consequence, he shall not be entitled to do so, except upon repayment of the entire sum advanced, with interest at the rate of twelve per cent per annum, up to the date of possession having been given as above, or upon exhibiting proof, in a regular suit to be instituted for the purpose, that the full amount so advanced, with interest, has been realized from the usufruct of the tenure.

To have the effect of mortgage.

Defaulter how to recover poſſeſſion.

Sale not to be ſtayed except the arrear claimed be lodged.

XIV. *First.*—Should the balance claimed by a zemindar, on account of the rent of any under tenure, remain unpaid upon the day fixed for the sale of the tenure, the sale shall be made without reserve in the manner provided for in Sections IX, and X, of this Regulation; nor shall it be stayed or postponed on any account, unless the amount of the demand be lodged. It shall however be competent to any party desirous of contesting the right of the zemindar to make the sale, whether on the ground of there having been no balance due, or on any other ground, to sue the zemindar for the reversal of the same, and upon establishing a sufficient plea, to obtain a decree with full costs and damages. The purchaser shall be made a party in such suits, and upon decree passing for reversal of the sale, the court shall be careful to indemnify him against all loss, at the charge of the zemindar or person at whose suit the sale may have been made.

But action to lie for its reverſal.

Summary inveſtigation may be applied for by defaulter.

Second.—In cases also in which a talookdar may contest the zemindar's demand of any arrear, as specified in the notice advertised, such talookdar shall be competent to apply for a summary investigation, at any time within the period of notice; the zemindar shall then be called upon to furnish his kubooleut and other proofs at the shortest convenient notice, in order that the award may, if possible, be made before the day appointed for sale. Such award, if so made, will of course regulate the ulterior process; but if the case be still pending, the lot shall be called up in its turn, notwithstanding the suit; and if the zemindar or his agent in attendance insist on the demand, the sale shall be made on his responsibility, nor shall it be stayed, or the summary suit be allowed to proceed, unless the amount claimed be lodged in cash, or in Government securities, or in notes of the Bank of Bengal, by the talookdar contesting the demand; and if such deposit be not made, the alleged defaulter will have no remedy, but by a regular action for damages and for a reversal of the sale.

But not to stay ſale without depoſit.

Rules for purchaſers obtaining poſſeſſion.

XV. *First.*—So soon as the entire amount of the purchase money shall have been paid in by the purchaser, at any sale made under this Regulation, such purchaser shall receive from the officers conducting the sale, a certificate of such payment. The purchaser shall then proceed with the certificate in question to procure a transfer to his name in the kucheree of the zemindar, and upon furnishing security, if required, to the extent of half the jumma or annual rent, he shall receive the usual umuldustuk, or order for possession, together with the notice to the ryots and others to attend and pay their rents henceforward to him. The zemindar shall also be bound to furnish access to any papers connected with the tenure purchased, that may be forthcoming in his kutcheree, and should he in any manner delay the transfer in his office, or refuse to give the orders for possession, notwithstanding that good and substantial security shall have been furnished, or tendered, on requisition, the new purchaser shall be entitled to apply direct to the court, and he shall receive the orders for possession, and shall be put in possession of the lands by means of the nazir, in the same manner as possession is obtained under a decree of court: provided, however, that if the delay be on account of the zemindar's contesting the sufficiency of the security tendered, the rule contained in Section VI, of this Regulation, shall be observed.

Zemindar to give transfer on ſecurity being furniſhed, if required.

Remedy in caſe of delay.

Proviſo.

Second.

Second.—When the new purchaser shall proceed to take possession of the lands of his purchase, if the late incumbent himself, or the holders of tenures or assignments derived from the late incumbent, and intermediate between him and the actual cultivators, shall attempt to offer opposition, or to interfere with the collections of the new purchaser, from the lands composing his purchase, the latter shall be at liberty to apply immediately to the civil court, for the aid of the public officers in obtaining possession of his just rights. A proclamation shall then issue under the seal of the court and signature of the judge, declaring, that the new incumbent having, by purchase at a sale for arrears of rent due to the zemindar, acquired the entire rights and privileges attaching to the tenure of the late talookdar, in the state in which it was originally derived by him from the zemindar, he alone will be recognized as entitled to make the zemindaree collections in the mofussil, and no payments made to any other individual will on any account be credited to the ryots or others in any summary suit, for rent, brought under the provisions of Section XV, Regulation VII, 1799, or in any application to stay process by distraint, under the rules of Regulation V, 1812, or on any other occasion whatever, when the same may be pleaded.

In case of opposition.

Proclamation to issue from court.

Third.—Should the late incumbent, or his late under-tenants, continue to oppose the entry of the new purchaser, notwithstanding the issuing of such a proclamation, or should there be reason to apprehend a breach of the peace on the part of any one, the aid of the police officers, and of all other public officers who may be at hand, and capable of affording assistance, shall be given to the new purchaser, on his presenting a written application for the same; and in the event of any affray or breach of the peace occurring, the entire responsibility shall rest with the party opposing the lawful attempt of the purchaser to assume his rights.

In case of further opposition,

Police and all public officers to aid.

XVI. Under tenures held under engagements similar to those executed between the zemindar and putneedar, having been declared not to be voidable for an arrear of the rent fixed upon them in perpetuity, it will be necessary that the person to whom the said rent may be payable, should (in case he be desirous of holding the tenure answerable in the manner provided for by stipulation in the deeds interchanged) proceed according to the rules of Section XV, Regulation VII, 1799, and the general Regulations, to have the sale effected at the end of the year in the same manner as heretofore. But it is hereby provided, that every such sale shall be public, and be conducted by the register or acting register of the zillah court, or in his absence by the person in charge of the office of judge or of magistrate, under the rules of this Regulation, as far as the same may be applicable; ten days notice shall be given of such sales, by advertisement, to be stuck up at the kutcherries of the court and collector.

Under tenures how to be brought to sale for arrears.

XVII. *First.*—The following Rules have been enacted for the disposal of the proceeds of any sale made under the rules of this Regulation.

Rules for disposing of the purchase money of sales for arrears under this Regulation.

Second.—One per cent. shall first be deducted from the net proceeds realized, and shall be carried to the account of Government, for the purpose of meeting the expense of any extra establishments which it may be necessary to maintain, for carrying into effect the provisions of this Regulation.

One per cent. to be carried to the account of Government.

Third.—The balance on account of which the sale may have been made shall next be made good in full (with interest and all charges incurred in bringing the talook to sale) to the zemindar or other person to whom the same may be due: provided however that no former balances, beyond those of the current year (or of that immediately expired, if the sale be at the commencement of the following year), shall be included in the demand to be thus satisfied. Such antecedent balances, if the zemindar shall have omitted to avail himself of the process within his reach, for having them satisfied at the time, will have become in fact mere personal debts of the individual talookdar, and must be recovered in the same way as other debts by a regular suit in the court.

Zemindar's balance and expenses to be next made good.

But not antecedent balances.

Fourth.—Any excess that may remain after satisfying the demand of the zemindar, in the manner above described, shall be forthwith sent by the officer conducting the sale to the treasury of the collector or assistant collector of the district, to be there held in deposit to answer the claims of the talookdars of the second degree, or of others who, by assignment of the defaulter, may be at the time in possession of a valuable interest on the land composing the talook sold, or on any part of it.

Remainder to be sent to the collector's treasury.

To answer claims of under-tenants.

Under-tenants free to profecute for the price of their intereft or compenſation.

Fifth.—It shall be competent to any one conceiving himself to possess such an interest, to bring forward his claim to the price he may have paid for the same, or for a just compensation for the loss sustained by him in consequence of the sale, by instituting a regular suit at any time within two months from the date of sale. If the court shall on investigation consider the plaintiff's claim to be an equitable one, the court will award to the claimant either the price he may have originally paid, or the value of the interest at the time of sale, or any other amount that may be deemed just and equitable under all the circumstances. If there be more claimants than one, payment shall not be made from the deposit, until the whole of the claims be settled; and in case the value assessed upon the whole should exceed the amount in deposit, such amount shall be divided proportionately, and the remainder stand as a personal debt against the defaulter, to be realized from him by the usual process for the execution of decrees.

Payment how to be made from depoſit if many claims.

Action not to lie if the under-tenant be himſelf in arrear at the time of ſale.

Sixth.—Provided however that no talookdar of the second degree, or other possessor of an assigned interest upon the land of the tenure sold, who may be holding under a stipulation for the payment of an annual amount in the way of rent, shall be entitled to recover compensation for the loss of such tenure or assignment upon its becoming cancelled by sale of the superior talook, except after exhibiting proof that the whole amount of the rent demandable from himself has been paid or lodged for the purpose prior to the date of sale.

In caſe of no claim in two months, or only partial claims, defaulter to receive the exceſs unclaimed.

Seventh.—Should no claims upon the purchase money of a talook, sold as above, be brought forward by any under tenants or assignees, within the period of two months from the date of sale, or should the amount claimed by those who may have sued not equal the entire deposit, the defaulter whose tenure may have been sold, shall be at liberty to petition the court for the amount so held in deposit, or for the excess thereof, as the case may be, and he shall receive a certificate under the seal of the court, of there being no claims to afford ground of detention for the whole or any part of the deposit; and upon exhibiting such certificate to the collector, the amount set free thereby shall be paid to his receipt. In the same manner upon executing a decree passed in favour of any under-tenants or assignees, they shall receive certificates under the seal of the court, declaring the amount adjudged to them out of the deposit, and upon exhibiting these certificates, the amount shall be paid severally to their receipts by the collector.

Any party intereſted may ſubſtitute Government ſecurities for caſh in depoſit.

Eighth.—It shall be competent to any party interested in a deposit, to withdraw the whole or any part thereof, on substituting Government securities, bearing interest, in lieu of the money so held in deposit; such securities to be taken at the rate of discount or premium of the day, as shown by the Government Gazette last received.

Doubts in the conſtruction of Section XV, Regulation VII, 1799, ſtated.

XVIII. *First.*—Doubts have been entertained with respect to the intent and meaning of such part of Section XV, Regulation VII, 1799, as regards the power of attaching the lands of a defaulter, particularly whether the attachment can be made in case the dustuk be not served on the person of the under-tenant from whom the arrear of rent is claimed; moreover it has not been provided in any part of the rules above quoted, nor in any subsequent Regulation, whether or not a decree can be passed after summary investigation of an arrear claimed, in case the process by dustuk shall not have been served on the defaulter. In consequence of these doubts and omissions, under-tenants falling in arrear have been encouraged to make it a practice to evade the process by dustuk, in the confidence that if successful in concealing themselves for a time, the person to whom the rent is due will lose the benefit of his summary application, and be referred to a regular suit, as the only means of recovering his dues, or of obtaining such a judicial award as will enable him to proceed against the property of the debtor. In order to remedy the evils arising from the practice above described, the following Rules have been enacted, in explanation and modification of the Rules of Section XV, Regulation VII, 1799.

And their effects.

Second.—Under the existing rules, proprietors, talookdars or farmers are entitled, with or without making a previous demand upon the under-tenant, to institute a summary suit for any arrear which may be claimed to be due, and to obtain the issue of a process of arrest against the defaulter. It is hereby further provided, that when a summary suit for arrears, alleged to be due, may have been instituted against a talookdar or against a farmer, or against the holder of any other intermediate

After ſummary ſuit lodged.

intermediate tenure between the zemindar and the actual cultivators, it shall be competent to the party who may have instituted such suit (whether the alleged defaulter shall have been arrested or not), to send a sezawul of his own authority to attach and collect the rents of the actual cultivators immediately from themselves: provided, however, that such power of attachment shall not be exercised, unless the arrear of rent claimed in the summary suit, shall have been actually due for one entire month before the date of attachment, and shall not be less in amount than the entire kist of the month, on account of which the arrear may be claimed.

The right of attaching talooks, farms and similar tenures declared.

With proviso.

Third.—After process of arrest may have been taken out in the usual form, if the return of the nazir be, that after diligent search the party cannot be found, it shall be optional with the plaintiff to move the court by his vakeel or authorized agent to solicit a postponement of the case for a month, in order to cause another process to be served at any time in the course of it, that may afford the chance of securing the person of the defaulter, and then to have a notice issued and the case brought to judgment; or to cause proclamation to be made without such postponement, that after fifteen days from the date of notice, the court will proceed to a summary investigation of the balance, and in case of the non-attendance of the defendant, will pass judgment summarily upon the documents and proofs that may be exhibited by the plaintiff *exparte*.

Summary decree to pass *exparte* in case of return *non-inventus*.

Form to be observed.

Fourth.—When any arrear may be adjudged to be due in the manner above provided, the zemindar or other plaintiff in the suit shall be at liberty to cancel of his own authority any lease, farm or other limited interest intermediate between himself and the actual cultivator, on account of which the rent may have been claimed; but no summary award for arrears shall be considered to warrant the subjecting real property belonging to the defendant, in such an action, to sale in execution, except in cases in which the balance may be due on account of a talook of the description noticed in Section III, of this Regulation, or of any other talook which may have been declared by the Regulations to be liable to sale for arrears; such talook will of course be liable to be sold for the arrears which may have accrued upon it, in the mode prescribed; but if the zemindar or other plaintiff should be desirous of having any other estate, or house, or landed property of a defaulter, brought to sale in satisfaction of his claim of rent, it will be necessary for him to institute a regular suit for the purpose, notwithstanding the existence of the summary award in his favour.

After summary decree zemindar may cancel farms and the like.

No exception against separate real property.

Fifth.—The provisions contained in the second and fourth Clauses of this Section, so far as they relate to the power of attaching and cancelling (under the circumstances therein described) the leases, farms or other limited interests of persons holding intermediately between the proprietor and the actual cultivator, are hereby declared not to extend to khoodkasht ryots or other resident cultivators of the soil. For any arrears which may be alleged to be due from those classes of persons, the party claiming them may proceed at any time during the year by distraint or by process of arrest and summary suit, under the existing rules; proprietors, talookdars or farmers, however, to whom an arrear of rent may be due at the end of the year from any khoodkasht ryot or other resident cultivators of the soil, are at liberty to institute a summary suit to establish the existence of such an arrear, taking out process of arrest in the usual form. If the defendant shall not attend or cannot be arrested, the forms of process and proceeding prescribed in the third Clause of this Section, shall be considered to be applicable to the case, and any summary judgment previously obtained on account of rent of the year just closed, shall be received as evidence of such arrear, upon the plaintiff's showing that the judgment in question has remained unexecuted. If an arrear shall be adjudged by the court to be due, and the amount shall not be immediately paid into court, the plaintiff shall be authorized by the court to make such new arrangement as he may judge proper for the future management of the lands in question.

Tenures of ryots not to be attached or cancelled for arrears,

except by summary suit at the end of the year.

XIX. In addition to the rules contained in Section XV, Regulation XIX, 1817, it is hereby provided that any zemindar, talookdar, farmer, or other person entitled to receive rent, who may desire to take out summary process against the person of a defaulter, shall be at liberty to make application for the purpose either to the judge of the district within which the land may be situated, or of the district wherein the defaulter may be at the time resident, at his option. In the event of his applying to the

Optional for zemindars to take out arrests from the court having jurisdiction over the tenure.

Or from that of the place of residence.

Proceſs in latter caſe.

the judge of the district, within which the defaulter may not be resident, the process shall be transmitted by dawk to the judge of the district where he may reside, in order to be there served in the usual form. The defaulter, if apprehended, shall be sent over in custody; or if he should not be found, so that the process cannot be served, a return shall be made accordingly, and the deposition of the peon employed shall further be taken, to be sent along with the return for the satisfaction of the judge issuing the process, as to the efforts made to apprehend the defaulter.

A.D. 1819. REGULATION IX.

A REGULATION for amending the existing Rules, with regard to the admission of special Appeals; for requiring in certain cases, from residents within the limits of Calcutta, security for eventual costs of suit, and for extending the powers of the Zillah and City Registers, and the Registers of the Provincial Courts, in certain cases:—Passed by the Governor General in Council on the 29th October 1819, corresponding with the 14th Kautick 1226 Bengal era; the 26th Kautick 1227 Fussily; the 15th Kautick 1227 Willaity; the 11th Kautick 1876 Sumbut; and the 9th Mohurrum 1235 Higeree.

Preamble.

WHEREAS experience has shown, that it would be conducive to the ends of civil justice, to modify and extend the existing rules, which limit to certain specific grounds, the admission of special appeals by the Sudder Dewanny Adawlut, and by the Provincial Courts of Appeal; and whereas experience has also shown the necessity of requiring previous security for eventual costs of suit, from residents within the limits of the city of Calcutta, who may become parties in an original suit, or respondents in an appeal in any of the Courts of the interior, inasmuch as the existing rules require such security only from appellants, and parties other than appellants, being residents within the city of Calcutta, have in sundry instances evaded the payment of costs due from them under decrees of those Courts; and whereas it is desirable further to facilitate the trial of appeals, from the decisions of the zillah and city registers, which are now cognizable by the judges of the Zillah and City Courts only; and whereas it has been judged expedient, in addition to the functions discharged by the registers of Provincial Courts, to authorize them to try civil suits, which may be referred to them by the judges of the zillahs or cities, within which the cutcherries of the Provincial Courts of Appeal may be situated; the following Rules have been enacted, which are to be in force throughout the territories subject to the Presidency of Fort William, from the date of the promulgation of this Regulation.

Clauſe I, Section II, Regulation XXVI, 1814, amended.

II. *First.*—The rules contained in Clause first, Section II, Regulation XXVI, 1814, as far as regards the grounds for the admission of special appeals by the Provincial Courts of Appeal and by the Sudder Dewanny Adawlut, are hereby amended as follows.

Under what circumſtances provincial courts and ſudder dewanny adawlut may admit ſpecial appeals.

Second.—In extension of the grounds to which the admission of special appeals is limited by the Clause and Section above quoted, it is hereby declared competent to the Provincial Courts of Appeal, and to the Sudder Dewanny Adawlut, to admit a second or special appeal whenever on a perusal of the decree of the lower Court, from whose decision the special appeal is desired, there may appear strong probable ground, from whatever cause, to presume a failure of justice.

Judges of zillah and city courts may recommend the admiſſion of ſpecial appeals to provincial courts, in certain caſes.

III. *First.*—It is hereby declared competent to the judge of a Zillah or City Court, in any case in which no further regular appeal is open under the existing Regulations, but in which either of the parties may be desirous of a further special appeal, to certify to the Provincial Court (where the circumstances demand it) that such case involves some point of general importance hitherto apparently unsettled, and fit to be reconsidered in a further appeal.

Provincial courts may alſo recommend the admiſſion of ſpecials appeals to ſudder dewanny adawlut.

Second.—The Provincial Courts are also declared competent to certify similarly, under analogous circumstances, to the Sudder Dewanny Adawlut.

The rejection of a ſpecial appeal by a provincial court in caſes certified by a

Third.—In the event of a Provincial Court declining under the provisions of the second and following Clauses of Section II, Regulation XXVI, 1814, to admit a second

second or special appeal in a case certified to them as above, from a Zillah or a City Court, and rejecting accordingly the special appeal, such rejection shall not be final, but it shall be competent to the Sudder Dewanny Adawlut, on petition by the party desiring the special appeal, to direct the Provincial Court to admit it, if on a consideration of the grounds which may be exhibited for a special appeal, it shall appear proper to the Sudder Dewanny Adawlut so to direct, under the provisions of Clause first, Section II, Regulation XXVI, 1814, as amended by this Regulation.

zillah or city judge not to be final, but on ſtated grounds the ſudder dewanny adawlut may direct its being admitted.

IV. The Sudder Dewanny Adawlut and the several Provincial Courts, previously to admitting a special appeal on application to them to that effect, are hereby declared competent to call for and peruse any document forming part of the record of the cause which they may deem proper, beside the document or documents presented by the party applying for the special appeal.

The ſudder dewanny adawlut and provincial courts empowered to require the production of papers previous to admitting ſpecial appeals.

V. No special or second appeal shall be admitted hereafter by a Provincial Court, or by the Sudder Dewanny Adawlut, unless two judges concur in the propriety of its admission under the rules applicable to the case, as amended by this Regulation.

No ſpecial appeals to be admitted in the ſudder dewanny adawlut or provincial courts, without the concurrence of two judges of a court.

VI. It is hereby declared, that nothing contained in the foregoing Sections is intended to make any alteration in the existing rules with regard to the limitations of time, or with regard to any of the existing forms requisite for the admission of special appeals.

Foregoing rules not to affect the exiſting Regulations regarding limitations of time or prevailing forms.

VII. *First.*—From and after the promulgation of this Regulation, every person, being a resident of the city of Calcutta, who may desire to institute or defend an original suit, or to defend an appeal in any Zillah, City, or Provincial Court, shall be required to furnish security for all eventual costs of suit, which may be adjudged payable by such person, and shall furnish such security by a surety or sureties residing and possessing property without the limits of Calcutta; such security shall be furnished by a plaintiff within six weeks of the date on which his plaint his filed; and a defendant or respondent shall furnish it within six weeks of the date on which the usual summons is served on him; unless such security be so furnished, the suit of such person, if plaintiff, shall not be proceeded in; if defendant or respondent, he shall not be allowed to defend his suit or appeal, but the cause shall be decided *ex-parte* on the statements and proofs of his opponent; and no appeal shall be admitted from the party who may have failed to give the required security, until he shall first have made good the whole of the costs demandable from him in the lower court.

Security for coſts in original ſuits on appeals to be given by reſidents in Calcutta, who are to provide reſponſible ſureties.

Limitation of time for furniſhing security.

Courſe of proceeding to be followed, if the plaintiff, or the defendant, or reſpondent, fail to furniſh ſecurity.

No appeal in ſuch caſes to be allowed, until the coſts of ſuit in the lower court have been paid.

Second.—The same rule shall be applicable, and the same mode of proceeding shall be observed, in the event of any person who may have instituted or defended any original suit, or defended an appeal in a Zillah, City or Provincial Court, becoming a resident of Calcutta, before a decree is passed on such suit or appeal, and failing to give the required security within six weeks of its being demanded by the Court, and such demand the Court is hereby required to make immediately on the circumstance becoming known, even though no motion should be made to that effect.

The foregoing rules declared applicable to perſons becoming reſidents of Calcutta pending any ſuit or appeal.

Third.—It is however provided, that nothing contained in this Section shall be considered applicable to pauper suitors coming within the provisions of Regulation XXVIII, 1814.

But not applicable to perſons ſuing in *forma pauperis*.

VIII. *First.*—In addition to the special powers which, under the provisions of Section IX, Regulation XXIV, 1814, may now be conferred upon zillah and city registers, it is hereby further provided that it shall be competent to the Governor General in Council, on the recommendation of the Sudder Dewanny Adawlut, to invest any person exercising the functions of a register of a Zillah or City Court, with powers to try and determine depending appeals from decisions which may have been passed by another register, on the class of suits specified in Section VIII, of the Regulation above mentioned. The zillah and city judges are hereby authorized to refer to registers so empowered, any suits of the description above adverted to, and such registers will be entitled to the same fees as they would have received, had the suits in question been tried by them in the first instance.

Judges of zillah and city courts empowered to refer appealed cauſes to regiſters for deciſion.

Fees.

Second.—No person, however, shall be vested with the power in question who may not have been employed in the judicial department for a period of at least six years, nor shall he be competent to try such appeals except in cases in which the

Qualification neceſſary to enable them to decide on ſuch appeals.

Prohibition againſt their hearing appeals in caſes decided by their ſeniors in the ſervice.

original decision may have been passed by a register junior in the service, to the individual on whom the special power in question may be conferred.

Provincial courts empowered to admit and decide on ſuch ſpecial appeals.

Third.—The Provincial Courts are empowered to admit a second or special appeal from the decisions which may be passed by registers under the foregoing Clauses of this Section, and such special appeals are to be admitted and tried in the same manner as other special appeals cognizable by the Provincial Courts.

Zillah and city judges empowered to refer ſuits cognizable by their regiſters to the regiſters of provincial courts.

IX. The Judges of the zillahs and cities, within whose jurisdiction the cutcherries of the Provincial Courts may be respectively situated, are hereby authorized to refer to the register of such provincial Court, any original civil suits cognizable by the zillah and city registers, under Section VIII, Regulation XXIV, 1814, and which may be now or hereafter depending in the Zillah or City Courts. In the trial of such suits, the registers of the Provincial Courts will exercise the same powers, and will be guided by the same rules, as those which are applicable to the zillah and city registers generally, and they will also be entitled to the same fees, on the decision of suits, as the zillah and city registers, but they will be careful that the trial of such suits, be not allowed to interfere with their primary duties as registers of the Provincial Courts.

Fees.

Such ſuits not to interfere with their duties as registers of provincial courts.

A. D. 1819. REGULATION X.

A REGULATION for reducing into one Regulation with alterations and amendments, the Rules at present in force respecting the manufacture, adulteration, importation, transportation and sale of Salt:—Passed by the Governor General in Council on the 7th December 1819, corresponding with the 23d Aughun 1226 Bengal era; the 6th Poose 1227 Fusly; the 24th Aughun 1227 Willaity; the 6th Poose 1876 Sumbut; and the 18th Suffer 1235 Higeree.

Preamble.

WHEREAS rules have from time to time been enacted for the conduct of persons concerned in the manufacture of salt on account of Government, for preventing the illicit manufacture, sale and transportation of salt, and the adulteration of illicit salt with other substances, and for regulating the importation of that article; and whereas it has appeared expedient, with the view of better securing to Government the revenue which it derives from having reserved to itself the exclusive right of manufacturing salt, to revise some of the rules at present in force for the prevention of the illicit manufacture, and transportation of the article, and to vest in the salt agents and superintending officers of chokies, powers of investigating and in certain cases of deciding on suits complaints and informations touching acts done or permitted in violation of this Regulation; and whereas it will tend to the public convenience to consolidate the whole of the rules in force respecting this branch of the public resources into one Regulation, with alterations and amendments; the following Rules have been passed to be in force throughout the provinces of Bengal, Behar, and Orissa, including Cuttack, and in such places within the province of Benares as are hereinafter specifically mentioned, from the date of the promulgation of this Regulation.

Regulations reſcinded.

II. The whole of the rules contained in Regulation XXIX, of 1793, Regulation LII, of 1795, Regulation IV, of 1798, Regulation IV, of 1800, Regulation VI, of 1801, Regulation XII, of 1801, Regulation XLVIII, of 1803, Regulation IX, of 1806, and Regulation XXII, of 1814, which are now in force, and have relation either to the conduct of persons concerned in the provision of salt on the public account, the importation, illicit manufacture, sale, purchase, transportation, adulteration or possession of salt, and are not specially re-enacted by this Regulation, are hereby rescinded: provided, however, that the several rules rescinded by the provisions of the Regulations above recited, or any of them, shall be and continue repealed.

Appointment of the Salt Agents and Superintending Officers of Chokies, and Oaths to be taken by those Officers.

The proviſion of ſalt by whom to be ſuperintended.

III. The superintendence of the provision of salt, on account of Government, shall continue to be intrusted to covenanted servants of the Company, under the official

official appellation of Salt Agents, and the Governor General in Council reserves to himself the power of varying the number of such officers, according as he may deem fit, and of fixing the stations for their residence at his discretion.

Control over the salt chokies, by whom to be exercised.

IV. The immediate control over and charge of the several salt chokies at present established, shall, as heretofore, be ordinarily vested in civil servants of the Company, under the denomination of Superintendents of Salt Chokies; but it shall be competent to the Governor General in Council to vest the charge of those chokies or any of them, in any other officer he may judge fit; and the officer so appointed shall have, and exercise the same powers and duties, as it may or shall be lawful for the superintendents of salt chokies to exercise. It shall likewise be competent to the Governor General in Council to order such chokies to be stationed in any district, where he may deem it necessary, with a view to the suppression of illicit transactions in salt, and to vest the superintendence thereof in any officer he may deem expedient: provided, however, that a list of all chokies now established, or which may hereafter be established, shall be stuck up in a conspicuous place, at the office of the Board of Customs, Salt and Opium, and likewise in the cutcherries of the agents and superintendents, under whose control they may severally be placed.

Officers employed in the salt department prohibited from carrying on trade.

V. *First.*—Salt agents, superintendents of salt chokies, and their respective assistants and subordinate officers, shall not, without the special permission of Government, carry on, directly or indirectly, any trade, nor be concerned in any commercial transaction whatever. This prohibition is declared to extend to the purchase, directly or indirectly, of any goods or commodities in the British dominions in Bengal, for the purpose of remitting money to Europe,

Exemption under special circumstances may be granted by Government.

Second.—Whenever any of the officers above-mentioned shall be desirous of obtaining a special exemption from the operation of the above rule, he shall state in writing the nature of the commercial transactions in which he is engaged, the name or names of the place or places at which they are conducted, and the period for which he may require permission to be engaged in the concern. The orders of Government shall in like manner specify the nature of the concern, in regard to which the exemption may be granted, the name or names of the place or places in which it is to be conducted, and the period at which the interest of such officer in such concern shall cease and determine. And the prohibition aforesaid shall, in respect to all matters, concerns or transactions not so specified, be in full force, in like manner as if no exemption had been granted.

Oath to be taken by agents, superintendents and assistants.

VI. Salt agents, superintendents of salt chokies, and their respective covenanted assistants, shall, immediately on the promulgation of this Regulation, as well as hereafter, previously to entering upon the execution of the duties of their respective offices, take and subscribe the following oath before the Governor General in Council, or any person whom he shall appoint to administer it.

Form of oath.

"I, *A. B.* appointed do solemnly swear, that I will diligently and faithfully execute the duties of the office of that I will not during the period of my being so employed, directly or indirectly, by myself or others, be concerned in any commercial transaction whatever on my own account, further than I may be specially authorized in that behalf by the Governor General in Council, under Section V, Regulation X, 1819; that I will not directly or indirectly take or receive, or knowingly allow any other person to take or receive, any fee, present, gratuity or advantage whatever, on account of any matter relating to the duties of my office; and that I will not, directly or indirectly, derive any advantage or emolument from my station, excepting such as now is, or may be hereafter authorized by the Governor General in Council. So help me GOD."

General Rules for regulating the conduct of Salt Agents and others employed in the provision of Salt.

Engagements of individuals in the provision and manufacture of salt to be voluntary, and all compulsion prohibited.

VII. No persons shall be compelled, under any pretence whatever, to engage in the provision, manufacture, or transportation of salt, either as a contractor, or a labourer, or in any other capacity; and all persons who may engage in the provision, manufacture, or transportation of salt, and may not choose to re-engage, shall be at liberty to relinquish the employment, after performing the engagements into which they may have entered, and to follow any other occupation they may think proper, without hinderance or molestation.

Redreſs how to be afforded in caſes of compulſion by a ſalt agent.

VIII. If a salt agent shall compel, or use any means, or cause any of his officers or others, to compel any molunghee, byoparry, or other person to receive advances, or to contract for, or engage in the provision, manufacture, or transportation of salt, the Judge of the Dewanny Adawlut, on proof of the charge to his satisfaction, shall adjudge the contract or engagement null and void, and direct the complainant to be discharged, and cause the advances, if any should have been made, to be returned by him, and award such costs and damages against the agent, as may appear to him equitable. The agent so offending shall moreover be liable to be dismissed from his office by the Governor General in Council.

Redreſs how to be afforded in caſes of compulſion by European aſſiſtants, or native officers of a ſalt agency.

IX. If the assistant to a salt agent, whether a covenanted servant of the Company, or an European not in the Company's service, or any native officer attached to a salt agency, shall compel, or use any means, or cause any inferior officer or others to compel any molunghee, byoparry or other person to receive advances, or to contract for or engage in the provision, manufacture, or transportation of salt, he shall on conviction before the Dewanny Adawlut, be made to pay to the complainant a sum equal to the amount of the whole of the advances which such complainant would have been entitled to receive, had he voluntarily entered into the contract or engagement, with any further compensation to which he may appear entitled, and the complainant shall be immediately discharged, and any advances that he may have received shall be taken back from him. In the cases above specified, the party offending shall be liable to be dismissed from office by the Governor General in Council, the Board of Customs, Salt and Opium, or Salt Agent, according as the appointment or removal of such officer, may rest with the one or the other of the said authorities; and in all such cases it shall be the duty of the Court before which such charge may be proved against any agent, assistant to an agent, or officers aforesaid, to report the circumstance to the aforesaid Board.

Such aſſiſtants and head officers of aurungs how far reſponſible for acts of compulſion on the part of officers ſubject to their authority.

X. Covenanted and uncovenanted assistants, and head officers of aurungs, shall be held responsible for any compulsion that may be used for the purposes specified in the foregoing Section by the gomashtahs, peons and other persons subject to their authority, unless it shall appear that it was had recourse to without their knowledge or connivance, and that they afforded all practicable redress immediately on being apprized of the circumstance; where persons subject to the authority of such assistant or head officer, shall be convicted of using such compulsion without his knowledge or connivance, besides dismission from office, they shall be liable to the same penalties as are prescribed in the preceding Section for cases in which the native officers attached to a salt agency may be convicted of using compulsion.

Prohibition against compulſion by contractors, molunghees and byoparries.

XI. If any contractor, molunghee or byoparry, having received advances or entered into engagements for the provision of salt, shall be convicted before the Dewanny Adawlut of compelling, directly or indirectly, any labourer, or other person, to receive advances, or to engage in the manufacture, he shall on conviction before the Dewanny Adawlut, be liable to the same penalty, with the exception of dismission from office, as is directed to be inflicted in the cases specified in Section IX, of this Regulation. And that no contractor, molunghee or byoparry, may plead ignorance of the above rule, a clause to the effect thereof shall be inserted in their contracts.

Salt agents how to be guided in making contracts, advances, &c.

XII. In concluding contracts with molunghees, or byoparries, and others for the provision of salt, in making advances to those persons, and in the general conduct of the duties of their office, the salt agents shall be guided by the practice heretofore observed, and by such further instructions as they may receive from the Board of Customs, Salt and Opium, or from Government.

Rules for subjecting the Officers of Government in the Salt Department to the cognizance of the Civil Courts of Judicature, and for defining the process to be observed in suits in which those officers and other persons concerned in the manufacture of Salt, on account of Government, may be parties; or in which the attendance of such persons may be required by the Courts of Judicature.

Salt agents and their aſſiſtants, and native officers liable to be ſued in the dewanny courts, under what circumſtances.

XIII. *First.*—The salt agents and their assistants, whether covenanted servants of the Company, or Europeans not in the Company's service, and their native officers, are declared liable to be sued in the manner hereinafter described in the Dewanny Adawlut for any breach of this Regulation, or any other Regulation that may be passed and printed, in the manner directed in Regulation XLI, 1793.

Provided

Provided also, that the rules contained in Regulation II, 1814, shall be applicable to all suits or complaints preferred against salt agents and superintendents of salt chokies, in so far as those officers are amenable to the Civil Courts for acts done in their official capacity; provided however, that the provisions of this Section shall not be held applicable to acts done by salt agents in virtue of the judicial powers vested in them by this Regulation, in regard to fines, confiscations, and other penalties prescribed for illicit manufacture, importation, transportation, sale, purchase, or possession of salt.

Persons employed in the salt manufacture, who may be aggrieved by an act of a salt agent, how to seek redress during the manufacturing season.

Second.—During the manufacturing season, viz. from the middle of the month of October to the middle of July, if any molunghee or labourer, or any other person, who may be employed in the salt manufacture, shall deem himself aggrieved by any act or order of the agent himself, (not being an act or order done under the powers vested in agents by this Regulation, in cases hereafter declared to be judicially cognizable by agents and superintendents of salt chokies) he shall in the first instance state his complaint in person, or by vakeel, to the agent, and in the event of the agent refusing to afford him the required redress, or of his omitting to grant it within a reasonable time, the complainant shall be at liberty to sue him in the Dewanny Adawlut.

How to seek redress if aggrieved by the act of an assistant or other salt officer, molunghee, &c.

Third.—During the manufacturing season, if a molunghee, or labourer, or any other person who may be employed in the salt manufacture, shall deem himself aggrieved by any act of the assistant to the agent, or any officer attached to a salt agency, or by any contractor, molunghee or byoparry, he shall in the first instance state his complaint in person, or by vakeel, to the agent, in order that the agent may give such redress as it may be in his power to afford: but if the agent shall refuse to afford to the complainant the required redress, or omit to grant it within a reasonable time; or if the case be such as that the agent may not have it in his power to redress the injury received, the complainant shall be at liberty to sue in the Dewanny Adawlut the party from whom he may have sustained the injury, or the agent, if the act shall have been done under his orders, and the Court shall hold the party, or the agent, responsible accordingly.

Courts not to receive complaints unless the course prescribed above shall have been followed.

Fourth.—In the cases specified in the two preceding Clauses, the Courts are not to receive the suit of the complainant, unless he shall prove, either by oath or in any other mode which the Court may deem satisfactory, that he made the previous application for redress to the agent, as directed in those Clauses.

Restrictions with regard to the complainant absenting himself from the place of manufacture, before his engagements have been completed.

Fifth.—In the several cases specified in the second and third Clauses of this Section, the complainant, if the engagements which he may have entered into on account of the manufacture be not completed, shall not quit the place of manufacture, to prosecute his complaint in person, without the permission of the head officer of the aurung under which he may work, or of the agent or assistant, but shall employ a vakeel for that purpose, unless he shall offer to substitute a person to perform his work in his room, and the agent or his assistant, or the head officer of the aurung, shall be of opinion that the work will be equally well performed by the person so offered to be substituted; in which case the agent or his assistant, or officer, shall permit the complainant to depart.

Agents may defend suits, instituted against their assistants and officers, but at their own risk.

Sixth.—The agents are authorized, in cases in which they may deem it advisable so to do, to undertake the defence of any suit that may be instituted in the Dewanny Adawlut against their assistants or any of their officers, or other persons employed by them in the business of the manufacture; but in such cases the agent himself is to be considered as responsible for the decree of the Court.

Persons agrieved at liberty to prosecute in the usual mode during certain parts of the year, without previous application to the salt agent.

Seventh.—During the months of Sawun, Bhadoon, and Assin, molunghees, labourers, and all other persons having entered into engagements on account of the salt manufacture, or having been employed in it, who may consider themselves aggrieved by any acts done by the agent or his assistant, or any of his officers, or other persons employed by him, in breach of this Regulation, or any other Regulation printed and published in the manner directed in Regulation XLI, 1793, are declared to have the option of suing either in person or by vakeel, the party from whom they may have sustained the injury, in the Dewanny Adawlut, without preferring the previous application for redress, directed in the preceding Clauses of this Section, to be made during the manufacturing season; and further, with a view to insure the molunghees, labourers, and other persons engaged in the manufacture or transportation of salt, speedy redress of injuries they may sustain, the Courts are

And ſuch ſuits to be brought to trial in preference to others.

required to bring the ſuits inſtituted by the ſaid perſons for injuries ſuſtained by them from the officers aforeſaid, to a termination as expeditiously as poſſible, by trying them in preference to other ſuits: provided, however, that nothing in the ſix preceding Clauſes ſhall be conſtrued to empower the Courts of Judicature to take cognizance of acts done by ſalt agents, in virtue of the judicial powers veſted in them by this Regulation, in reſpect to fines, confiſcations and other penalties preſcribed for caſes of illicit dealings in ſalt.

Courts prohibited from taking cognizance of acts done by ſalt agents, in virtue of the judicial powers veſted in them.

Courts how to proceed on complaints of molunghees and others, that they were compelled to enter into engagements.

XIV. To prevent perſons who may voluntarily receive advances and give a receipt for the amount, afterwards declaring that they were compelled to receive the advances, (or in order to get releaſed from their engagement,) the Courts, in the event of any complaint being made to them by or on behalf of a molunghee, labourer, or other perſon, that he was compelled to receive advances, are directed, excepting in caſes in which they may have full and ſatisfactory evidence before them that compulſion was uſed, to conſider the receipt as evidence *primâ facie* of the advances having been voluntarily received, and they ſhall not releaſe the complainant from his engagements, or prevent his proceeding to the place of manufacture, ſhould he not have proceeded there, nor bring him from thence, ſhould he have repaired thither, until they ſhall have completed the trial of the complainant, and ſhall be ſatisfied that the engagement was compulſive and repugnant to this Regulation. The agents are to apply this rule in ſimilar complaints that may be preferred to them.

The ſame courſe to be followed by ſalt agents.

Proceſs of courts of juſtice how to be iſſued to ſalt agents and aſſiſtants.

XV. When any proceſs or order ſhall be iſſued by the Courts of Civil Judicature, or the Magiſtrates, to a ſalt agent or his aſſiſtant, the judge or the regiſter to the court is to forward it under a ſealed cover, addreſſed to the agent or aſſiſtant, and ſuperſcribed with his official atteſtation. The agent, or his aſſiſtant, is immediately to acknowledge the receipt of the order or proceſs, by an endorſement to that effect on the back of it, and is to return it under a ſealed cover, addreſſed to the judge or regiſter.

Salt officers not liable to be proſecuted for acts of their predeceſſors.

Suits to be defended by the individuals againſt whom the proſecution may be inſtituted.

Exception.

XVI. The agents, their covenanted and uncovenanted aſſiſtants, and head officers of aurungs, ſhall not be liable to proſecution for any official acts of their predeceſſors. But perſons who may be removed from an agency, or an aſſiſtantſhip, or the appointment of head officer of an aurung, are to carry on in the ſame manner as if they had continued in office, all ſuits inſtituted againſt them in their official capacity, unleſs the Board of Cuſtoms, Salt and Opium, upon a conſideration of the circumſtances of the caſes, ſhall deem it adviſable to order the agent for the time being to carry on the ſuits. This rule, however, is not to extend to ſuits in which an agent, or a covenanted or uncovenanted aſſiſtant, or head officer of an aurung, who may have been removed, ſhall have been engaged in virtue of the orders from the Board of Cuſtoms, Salt and Opium, or the Governor General in Council. All ſuch ſuits are to be carried on by the agent for the time being at the riſk of Government.

Rules for facilitating the communication between ſalt agents or their officers and the vakeels of the court.

XVII. To facilitate the communication between the agents and their aſſiſtants, and head officers of aurungs and the vakeels in the Zillah or City Courts, or the Provincial Courts of Appeal, and the Sudder Dewanny Adawlut, who may be intruſted with the conduct of any ſuits or appeals in which they may be engaged in their official capacity, either whilſt they may continue in the office, or after their removal from it, they are permitted to forward free of poſtage, any inſtructions which they may have occaſion to tranſmit to the vakeels of thoſe Courts. The inſtructions are to be enclоſed under a ſealed cover, directed to the vakeel. The inſtructions ſo ſealed and directed are to be tranſmitted under a ſealed cover, addreſſed to the regiſter of the court in which the cauſe may be depending, and are to be ſuperſcribed with the name and the official deſignation of the perſon diſpatching them, or that which he bore when the cauſe of action aroſe. The regiſter of the court, immediately on receiving the inſtructions, is to deliver them ſealed to the vakeel to whom they may be directed. In like manner, the vakeels in any of the Courts to whom the pleading of ſuch ſuits or appeals may be committed under this Regulation, by perſons holding or having held the office of agent, aſſiſtant or head officer of an aurung, are authorized, either whilſt their conſtituents remain in ſuch office, or after they ſhall have been removed from it, to forward any papers which they may have to convey to their conſtituents by the public dawk, free of poſtage. The papers are to be enclоſed in a cover, ſealed with the ſeal of the vakeel, and the judge or the regiſter of the court, is to tranſmit the papers ſo ſealed in a cover, addreſſed to

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the person to whom they are to be forwarded, and subscribe the cover with his official signature.

Suits may be profecuted or defended by the board.

XVIII. In cases in which the Board of Customs, Salt and Opium, may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they shall take upon themselves the superintendence of the prosecution, or defence of any suit or appeal in which they or their officers may be engaged, either in a Zillah or City Court, or Provincial Court of Appeal, or the Sudder Dewanny Adawlut, instead of leaving the superintendence of the conduct of the suit, or appeal, to the agent, or any other officer. And in all such cases, as well as generally in all suits and other matters relating to judicial process, it shall be competent to the said Board to avail themselves of the services of the superintendent and remembrancer of legal affairs, in such manner as they may deem expedient.

With the aid, when requifite, of the fuperintendent of legal affairs.

Perfons engaged in the falt manufacture to pay the rent of lands cultivated or occupied by them like other ryots.

XIX. Persons actually employed in the salt manufacture, who cultivate or rent lands, are to pay according to their pottahs or engagements in the same manner as other ryots or renters, and under the same rules and regulations, with the exceptions specified in the second Clause of the following Section, as to the mode of demanding and enforcing payment of arrears during the manufacturing season, which is to be considered as commencing on the first day of Kautic, and ending on the last day of Assar.

But to prevent interruption to the falt manufacture, and to fecure the payment of rents.

XX. *First.*—To prevent unnecessary interruption to the manufacture, and at the same time that persons employed in it may not withhold the rents justly due from them for lands which they may rent or cultivate, the following Rules are prescribed.

Certain rules enacted.

Second.—From the beginning of Kautic to the end of Assar, no person under engagements, and employed in the salt manufacture, shall be liable to be arrested for a demand of rent, nor to be summoned to the cutcherry of any proprietor, or farmer of land, or any person holding or entrusted with the collection of the rents, or revenue of lands, or the management thereof, under any pretence whatever. If any such proprietors, farmers, or other persons aforesaid, shall have a claim for or relating to rent on any persons so engaged and employed, and shall be desirous of enforcing it during the period above-mentioned, they shall either distrain for the amount, under the existing regulations for levying distress for the recovery of arrears of land rent, or sue the stated defaulter for it in the Dewanny Adawlut, or state their claim in writing to the agent, who, if he shall deem it expedient so to do, shall cause the stated defaulter to satisfy it himself, and stop the amount by kistbundy from his future advances, so that his labour on account of the manufacture may not be interrupted. If the claimant shall prefer applying in the first instance to the agent, and he shall not afford satisfaction for the claim, the claimant must distrain, or commence a civil prosecution as above pointed out. But the salt advances, or implements belonging to the Company in the hands of the defaulter, shall not be held liable for the claim, nor shall they under any pretence whatsoever be distrained, seized, sold, or otherwise disposed of by the claimant or by the court, in satisfaction of his demand.

Forms to be observed in fuits inftituted againft officers, or perfons employed in the falt manufacture.

XXI. *First.*—Persons instituting suits in the Dewanny Adawlut against any of the officers of the agents, or any individuals under engagements, on account of the salt manufacture, and employed therein, are to specify their being so engaged and employed. If the notice or summons is to be served during the months of Sawun, Bhadoon, and Assin, it shall be served on the defendant, in the same manner, as on other defendants not employed in the salt manufacture. If the notice or summons is to be served between the commencement of Kautic, and the end of Assar, the notice or summons, with a copy of the complaint, shall be enclosed in a sealed cover addressed to the agent, and superscribed with the official signature of the Judge or Register. It shall be at the option of the agent to execute, or to cause one of his officers, or any other person, whom he may think proper, to execute the security required from the defendants, in cases in which such security may be considered necessary, or to leave the party to find the required security; and in the latter case, and in the event of the summons being committed to an officer of the court, if the officer shall entertain doubts of the responsibility of the surety so offered, and the agent shall declare such security to be responsible, the officer shall accept the security. If a requisition of security for appearance should be made, and the agent should not deem it expedient to order any of his officers or any other person to

become security, and the defendant himself should not be able to find such security, as the agent may deem responsible, the agent is to cause the party summoned to accompany the officer of the court to the Court, or if the summons shall not have been committed to the charge of an officer, he shall cause him to be conveyed before the Court.

Further rules with regard to the mode of furnishing security for such persons.

Second.—The salt agents are to empower their respective assistants, whether covenanted servants of the Company or European uncovenanted assistants, and also an authorized vakeel of the Dewanny Adawlut, or any other person whom the agents may think it proper to station at the place at which the court may be held, to execute the securities specified in the preceding Clause for persons employed in the salt manufacture. The agents are to be careful to keep the Judge furnished with a list of the persons so empowered, specifying also the place at which they may usually reside; and the Judges are authorized in instances in which they may deem it proper, either from the distance of the place of abode of the agent from the place at which the person to be summoned may reside, or other circumstances, to order the summons to be enclosed to one of the persons so empowered to become security, instead of transmitting it to the agent himself under the first Clause of this Section, in which case such person shall proceed in the manner prescribed to the agent where the summons may be sent immediately to him.

Ditto when a notice or summons may be served in the ordinary form on such person.

Third.—If a suit shall be preferred in the Dewanny Adawlut against any of the officers of the agents, or any person under engagements on account of the salt manufacture, and employed therein, without specifying that he is so engaged and employed, and a notice or a summons shall in consequence be ordered to be served on him in the same manner as on other defendants, between the commencement of Kautic and the end of Assar, the officer serving the notice or summons, on the circumstance of the defendant being so employed being notified to him by the agent or any of his officers, or by the defendant himself, shall deliver such notice or summons to the nearest person empowered to execute securities, whether the agent or his covenanted or uncovenanted assistants, or the head officer of an aurung, who shall proceed in the manner prescribed to the agent in Clause first of this Section. If an officer charged with a summons against any person of the above description shall receive the notification of the defendant being employed in the manufacture from the defendant only, and shall entertain doubts of his being so employed; or if he shall not entertain any such doubts, but shall apprehend that he will abscond whilst he (the officer) is repairing with the summons to the person empowered to execute the securities, he shall in such case carry the defendant with the summons to the person so empowered, and shall not release his person until the required securities have been executed.

Rules of process against such persons when charged with a bailable offence.

Fourth.—In cases in which a person under engagements on account of the salt manufacture, and employed therein, shall be charged before the magistrate with a bailable offence, and the warrant shall be ordered to be served at any period between the commencement of the month of Kautic and the end of Assar, the warrant shall be served in the manner directed in the preceding Clauses with regard to summonses in civil cases, with this difference, that the warrant shall require the party summoned to appear in person, or by vakeel, as the magistrate may think proper, either during or after the manufacturing season, and shall specify the sum for which the security or recognizance for the appearance of the defendant is to be given; the amount of which shall be regulated by the magistrate according to the nature of the offence, and the situation and circumstances in life of the defendant.

Endorsement to be made on process issued under the preceding rules.

Fifth.—In all the cases specified in the preceding Clauses of this Section, the agent or his covenanted or uncovenanted assistants or head officer, through whom the summons or warrant may be served, shall note on the back of it in what manner it has been served, and by whom the security has been executed.

Process on criminal charges of a nature not bailable against such persons.

Sixth.—If a charge shall be preferred to a magistrate against any of the officers of the agents, or any person under engagements on account of the salt manufacture, and employed therein, for an offence that is not bailable, and there shall appear to the magistrate sufficient ground for apprehending the person so charged, the warrant for his apprehension shall require him to appear immediately in person, and shall be executed at all times in the same manner as upon persons not so engaged or employed. But the officer after securing the offender, is to give notice thereof to the agent, or head officer of the nearest aurung, or place of manufacture.

Seventh.

Seventh.—In all cases in which the agents or their head officers, empowered for that purpose, shall become surety under any of the Clauses of this Section for the appearance of any officer or person employed in the salt manufacture, or shall declare any person whom the party summoned may offer as surety to be reponsible, the agent is to be considered personally answerable for the due performance of the conditions of the security, in the event of the party for whom the security may be given not performing them himself, or where the party himself shall have given the security, and it shall have been declared responsible by the agent or his officers, in the event of the party or such surety, not performing them. It will accordingly be the business of the agents to take care to employ creditable persons only as head officers to superintend the business of the aurungs and to become security, and to furnish them with proper instructions, and to take such security from them as they (the agents) may deem sufficient to indemnify themselves for the consequences that may result from any abuse which such officers may commit in the exercise of their trust.

The agent to be held personally answerable for the performance of the condition of security for appearance, which may be given by himself, or authorized officers, under this Regulation.

Eighth.—Notices to officers or other persons employed in the salt manufacture to appear as witnesses, shall be served during the manufacturing season, in the same manner as if they were parties in the cause; but the Judges are to be careful not to issue notices to such officers or persons, excepting when their attendance shall be necessary; and on their appearance, to have them examined and dismissed with all practicable dispatch, so that they may be absent from the business of the manufacture as short a time as possible.

Notices to witnesses how to be issued, when such witnesses are employed in the salt manufacture.

Ninth.—The agents, their assistants, uncovenanted European and native officers, are declared liable to be sued in the Dewanny Adawlut, should they apply any of the rules in the preceding Clauses of this Section, regarding notices, summonses and warrants issued against persons employed in the manufacture of salt, to persons not *bonâ fide* so employed; and as the rules contained in those clauses are intended only to prevent unnecessary interruptions to the manufacture, where it can be avoided without impeding the course of justice, the Judges and Magistrates are empowered in particular cases, in which it may appear to them indispensibly necessary for the purposes of justice, to order the personal attendance of any native officer or person in anywise concerned or employed in the salt manufacture, whether he may be a party or a witness in the suit or prosecution, at any time during the manufacturing season, notwithstanding any thing that may be said to the contrary in those Clauses, and to cause process to be executed upon him for that purpose, in the same manner as upon other individuals; but in such cases the Judges and Magistrates are to record on their proceedings, their reasons for deviating from the provisions contained in the said Clauses, which are to be considered as the general rules for issuing and executing such notices, summonses and warrants; and in the notice, summons or warrant, they are to specify that it has been specially ordered to be so executed in virtue of the discretionary power vested in them by this Clause, and they are moreover strictly enjoined to refrain from every unnecessary exercise of that power.

Penalty for the improper application of the foregoing rules by salt agents and their officers.

The observance of the rules in question may be dispensed with in special cases by the courts of justice.

But reasons for the deviation to be assigned.

XXII. If a decree shall be passed against a native officer, or any person under engagements on account of the salt manufacture, and actually employed in it, and the Court shall order the decree to be enforced at any time between the commencement of Kautic and the end of Assar, recourse may be had to his property, but his person shall not be attached or molested during that period. At the close, however, of the manufacturing season, the agent shall be responsible for his appearing before the Court, if required, but the salt, or the advances, or any implements belonging to the Company, which may be in his hands shall not be liable for the decree; but during Sawun, Bhadoon and Assin, and also in the manufacturing season, if the salt agent shall signify to the Judge, through an authorized vakeel of the Court, that their attendance is not required in the business of the manufacture, the persons of all such individuals so employed shall be equally liable with their property for decrees.

Decrees against native officers and persons employed in the salt manufacture, how to be executed.

XXIII. Superintending officers of the chokies are to be careful to keep the several Judges and Magistrates, in whose jurisdictions the chokies are stationed, furnished with lists of the chokies, pointing out their situations, and specifying the names of the officers attached to them; and in the event of any change taking place in the situation of a chokey, or among the officers belonging to a chokey, the same shall be immediately notified to the Judge.

Superintendents to furnish to the zillah courts, lists of chokies and officers employed at them.

Rules to be obſerved on the inſtitution of ſuits againſt ſuch officers.

XXIV. Persons instituting suits in the Dewanny Adawluſt against any of the officers of the salt chokies, are to specify the nature of their employment; and the notice or summons to be served upon such officers, with copy of the complaint against them, shall be enclosed in a sealed cover to the superintendent of the chokey to which the party may be attached, who will, without delay, cause the notice to be served in the regular manner, or send persons to take charge of the chokey, and cause the party when summoned to accompany the officer of the court to the Court, or if the summons shall not have been committed to the charge of an officer, he shall cause such party to be conveyed before the Court.

Ditto when ſuch perſons are charged with bailable offences.

XXV. In cases in which an officer of a salt chokey shall be charged before a magistrate with a bailable offence, the warrant shall be served in the manner directed in the preceding Section with regard to the summons, and the party to whom the warrant may be sent under cover, shall cause the officer summoned to give the requisite bail, or immediately to appear in person, or by vakeel, as the magistrate may think proper to require in the warrant.

Or with offences not bailable.

XXVI. If a charge shall be preferred to a magistrate on oath against any of the officers of the chokies, for an offence that is not bailable under the Regulations, and there shall appear to the magistrate sufficient ground for apprehending the persons so charged, the warrant for their apprehension shall be executed at all times in the same manner as upon persons not chokey officers. But the officer of the court, after securing the offender, is to give notice thereof to the superintendent of the chokey to which the offender is attached.

Ditto when ſummoned as witneſſes.

XXVII. Requisitions to officers of the salt chokies to appear as witnesses shall be served in the manner above prescribed in Section XXIV, of this Regulation, but the Judges are to be careful not to summon such officers, excepting when their attendance shall be necessary, and on their appearance they are to have them examined and dismissed with all practicable dispatch, so that they may be absent from their chokies as short a time as possible.

Diſcretion veſted in the courts to deviate from the foregoing rules.

XXVIII. The discretionary power granted by the ninth Clause of Section XXI, of this Regulation, to Judges and Magistrates in special cases of persons concerned in the provision of salt under a salt agent, is hereby declared to be equally vested in those authorities, in regard to persons employed in the chokey department.

Decrees againſt chokey officers how to be executed.

XXIX. If a decree shall be passed against an officer of a salt chokey, and the Court shall order the decree to be enforced, recourse may be had to his property; but his person, if attached, shall not be removed without previous notice being given to the party under whose superintendence the officer acts, that another person may be immediately deputed to take charge of his place during his absence.

Penalties to which all Persons concerned in or conniving at the illicit manufacture of Salt shall be subject.

Alimentary ſalt not to be manufactured except on account of Government or with their ſanction.

XXX. Alimentary salt shall not be made in the provinces of Bengal, Behar or Orissa, excepting on account of Government, or with their sanction; and all salt made in breach of this Regulation shall be forfeited, and the parties offending shall be liable to the penalties hereinafter prescribed.

Penalty for breach of the above rule.

XXXI. Any person who shall manufacture salt in opposition to the above prohibition, or shall directly or indirectly be concerned in, or in any way encourage or promote such illicit manufacture, shall forfeit for each kalary or salt work established by him or with his connivance, such sum not exceeding rupees five hundred, as may appear reasonable and sufficient with reference to the circumstances of the case and the condition in life of the offender; and each fire or fire place applied, used or prepared for the manufacture of salt, shall be held to constitute a separate kalary within the meaning and intent of this Regulation. In addition to the above penalties, the offender shall be liable to imprisonment for a period not exceeding six months.

Zemindars, farmers, &c. accountable for preventing ſuch illicit manufacture on their eſtates or farms, &c.

XXXII. All zemindars, talookdars and other proprietors of land, whether malgoozary or lakheraj; all sudder farmers and under-renters of land of every description; all dependent talookdars; all naibs, gomastahs, and other local agents; all sezawals, tehsildars and other native officers employed in the collection of the revenue and rents of lands on the part of Government, or the court of wards, are hereby declared accountable for preventing to the utmost of their power, the illicit manufacture

facture of salt within the limits of the estate or farm held or managed by them, and for giving the earliest information to the salt agents, superintendent of salt chokies, and officers in charge of such chokies, whenever it may come to their knowledge that a kalary or salt work has been established, or is about to be established within the estate or farm held or managed by them.

Penalty for connivance on their own part.

XXXIII. Any landholder or other description of persons above noticed, to whom such responsibility is declared to attach, who may wilfully and knowingly omit to give the information hereby required to the nearest chokey officer, salt agent or superintendent of salt chokies, shall be held to have connived at the illicit manufacture, and the party so offending shall on proof of such neglect be liable to a fine not exceeding five hundred rupees for each and every kalary or salt work established within the estate or farm held or managed by them. If the party offending be an officer of Government, he shall, in addition to the above penalties, be further subject to dismission from office; provided also, that all zemindars, managing their estates through gomashtahs or other agents, shall be subject to the same penalty for any neglect or connivance on the part of such agents as if they had themselves been guilty of the offence.

Or on that of their managing agents.

All native officers of Government to aid in suppreſſing ſuch illicit manufacture.

XXXIV. All native officers of Government of whatever description, including all chokeedars, pykes and other officers of village police, are hereby strictly enjoined to assist in suppressing the illicit manufacture of salt, by giving instant information to the authority to whom they are immediately subordinate, whenever it may come to their knowledge that any illicit kalary or salt work has been or is about to be established in any village or villages; and if any officer aforesaid shall neglect to give information as above directed, or shall in any respect connive at the illicit manufacture of salt, such officer shall, besides being liable to dismission from office, be further subject on conviction to the payment of a fine not exceeding five hundred rupees for each kalary or salt work established or worked with his knowledge or connivance.

Penalty on failure.

Information received by magiſtrates of illicit manufacture to be reported to the ſalt agent or ſuperintendent.

XXXV. Magistrates or other authorities, who may receive information of the establishment of any illicit kalary, shall immediately transmit the information so received to the nearest salt agent or superintendent of salt chokies.

Rules regarding the transportation and sale of Salt.

What ſalt to be conſidered contraband.

XXXVI. *First.*—All salt exceeding five seers in quantity, not being salt actually belonging to Government, which may be found within the limits of the salt chokies established in the provinces of Bengal or Orissa, not covered by a rowannah or char chitty, nor protected by a special pass from the Board of Customs, Salt and Opium, shall be held to be contraband, and as such shall be seized and confiscated; and the person or persons in whose possession such salt may be found, as well as the owners thereof, shall be liable to a fine not exceeding five sicca rupees per maund of eighty-two sicca weight to the seer, for each and every maund of contraband salt so seized and confiscated; provided also, that if any dispatch of salt covered by a rowannah or other document aforesaid, shall be laden on more than one boat, or more than one karroo of bullocks, then and in that case there shall be required, in addition to the rowannah or char chitty or special pass, from the Board of Customs, Salt and Opium, a separate chellaun for each and every one of such boats or karroos of bullocks on which the salt may be laden; and any salt found under the above circumstances, unaccompanied with said document, shall be seized and confiscated, together with the boats or bullocks on which it may be laden.

Penalties on owners and poſſeſſors of ſuch ſalt.

Rowannahs requiſite.

Penalties in caſes when the requiſite rowannahs are not forthcoming.

Form and contents of rowannahs.

Second.—Rowannahs granted to the purchasers of salt at the public sales shall have affixed to them the seal of the salt office, and the signature of the secretary to the Board of Customs, Salt and Opium, or one of the covenanted assistants attached to that Board; they shall specify the quantity of salt intended to be transported under them, the date of the sale, and number of the lot in part or in full of which the salt is deliverable, the name of the purchaser, the place whence the salt is deliverable, the mode of conveyance, the place to which the salt is to be transported, and the route by which it shall be conveyed; such rowannahs are to be current for only one year from their date, after which they shall be wholly null and void, and shall in no degree protect any salt which they may accompany; provided however, that if the owner of any salt covered by or specified in a rowannah, and which shall not have been consumed or exported beyond the limits of the chokies, shall within the said period of one year apply to the Board of Customs, Salt and

Rowannahs may be renewed in certain cases.

Opium, for a renewed rowannah, the Board shall grant such rowannah for a further period of one year, on being satisfied of the existence and identity of the salt; and it shall likewise be competent to the Board aforesaid to grant under similar conditions renewed rowannahs for such further successive periods of one year, as to them shall seem fit, or to refuse the renewal, and on the expiration of the second year from the date of the original rowannah, to pass such orders in regard to the disposal of the salt as they may judge proper, whether the same be lodged in the Company's gôlahs or otherwise. Renewed rowannahs shall of course contain the same particulars as those specified in the original rowannah above described, with a reference also to the registered number of the said original rowannah.

Rowannahs may be exchanged or divided on application to the board.

Third.—Should the purchaser or proprietor of salt be desirous of dividing the lot, covered by a rowannah or exchange rowannah, into two or more dispatches, of quantities exceeding one hundred maunds each, he shall as heretofore be entitled, on application at the Board of Customs, Salt and Opium, to receive as many exchange rowannahs as he may require, subject to the conditions above specified in the case of renewed rowannahs.

Form and contents of chellauns.

Fourth.—The chellaun in all practicable cases shall be signed by the agent or other European officer in charge of the golahs, as well as by the darogah or other head native officer of the golah station at which the salt shall be delivered. The chellaun shall specify the quantity of salt laden on the boat, vessel or karroo of bullocks, the date of the sale, and number of the lot in part or in full of which the salt is delivered, the name of the original purchaser at the sale, and of the present proprietor of the salt, the number of the rowannah by which the salt is covered, and the total quantity of salt covered by the same, the name of the gomastah who shall receive the salt, of the proprietor of the boat, vessel or karroo of bullocks on which the salt shall be laden, and of the manjee, sarang or sardar in charge of such boat, vessel or karroo, the description, burthen and number of oars of the boat or vessel, and the number of bullocks in the karroo, also the place of destination of the salt.

Form and contents of char chitties.

Fifth.—A char chitty should have affixed to it the signature of the darogah or mohurrir of the salt chokey from whence it was issued, and should specify the quantity of salt covered by it, which quantity must be less than one hundred maunds of eighty-two sicca weight to the seer, and also the time for which it is current, which is never to exceed six months; the char chitties should further specify the number of the rowannah from which the salt is written off, and the limits within which the salt is to be sold.

Char chitties current to what extent.

Sixth.—Char chitties shall be current only within the limits subject to the control of the darogah by whom they shall have been granted, and shall not cover salt in its transit through the chokies subordinate to any other darogah.

Atrafee rowannahs in what cases to be granted.

Seventh.—Should any person be desirous of consigning or carrying a despatch of salt not exceeding one hundred maunds, being part of a lot covered by a rowannah, renewed or exchange rowannah, to any place beyond the line of the chokies within which the salt may be stored, he shall, on identifying the salt, be furnished by the darogah of the chokies with an atrafee rowannah to protect it in its passage to the place of its destination; the currency of an atrafee rowannah shall in no case exceed the period of six months.

How to be attested and furnished.

Eighth.—The several darogahs shall be supplied with such number of atrafee rowannahs as may be found requisite from the salt office, and all such documents shall, previously to their being issued to the darogahs, be duly registered, signed and sealed by the secretary to the Board of Customs, Salt and Opium, or one of the covenanted assistants attached to the Board, in the mode which is now observed in regard to all rowannahs renewed, and exchange rowannahs.

Chellauns by whom and how to be furnished.

XXXVII. *First.*—The agents of the different salt divisions and other officers in charge of the honourable Company's salt, shall furnish the proprietors of salt that shall be cleared out from any of the golah stations under their respective charge, or the agents of such proprietor, with a chellaun for every boat, vessel or karroo, or division of bullocks, that may be laden with salt.

Correctness of chellauns by whom to be certified.

Second.—The proprietor of the salt, or the person receiving the same from the golah stations on his account, shall certify at the foot of the chellaun that it has been duly and correctly drawn up.

XXXVIII. All persons in charge of salt are required to keep their chellauns constantly on board of their boats, or vessels, or with the bullocks on which the salt described in the chellauns may be laden, to produce the chellauns at a moment's warning to any officer of Government duly authorized to attach illicit salt, who may demand a sight of them. And it is hereby declared, that any salt laden on any boat, vessel or karroo of bullocks, which may be attached, for which a proper chellaun shall not be instantly produced, or the chellaun accompanying which shall not correspond in every particular with the salt, and also with the rowannah covering the salt, shall be confiscated; and if in any case the rowannah, stated to cover a dispatch of salt, shall not be produced within twenty-four hours after being required by an officer authorized as aforesaid, the salt shall be held to be contraband and confiscated as such, unless the most satisfactory reasons be assigned for the delay in the production of the rowannah; provided also, that in any cases in which a small dispatch of salt conveyed in a single boat, or by a single karroo of bullocks, shall be covered by a rowannah or atrafee rowannah without being accompanied by a chellaun, the rowannah or atrafee rowannah shall always be kept with the salt which it covers, and any delay in producing it on the requisition of an officer authorized to attach illicit salt, shall render the salt which it purports to protect, liable to confiscation, as contraband, unless the cause of the delay be explained; provided also, that in the several cases above specified, the person or persons in whose possession the salt may be found, shall be liable to the same penalty as is prescribed by Section XXXVI, for the illicit possession of salt.

Chellauns, rowannahs and atrafee rowannahs, to be kept with the salt, ready to be produced on demand.

If not so produced, salt liable to confiscation.

XXXIX. Darogahs of salt chokies shall personally examine and coot all dispatches of salt passing their respective chokies, and after having ascertained that the salt and boats and vessels correspond with the description given of them in the respective passes belonging to them, they shall certify the same, together with the date of the examination, on the back of the chellauns. The said darogahs are prohibited from deputing peons or other inferior officers, to execute the duty of cooting and examining the salt, and from causing the chellauns, or other documents by which the salt is covered, in any case, or under any pretence whatsoever, to be removed from on board the boat or vessel containing the salt.

Dispatches of salt by whom to be examined.

XL. No salt which may have been transported beyond the limits of the chokies shall be again brought within those limits, excepting under a fresh rowannah granted specially for the purpose, under the authority of the Board of Customs, Salt and Opium, by the secretary, or some other covenanted officer attached to the Board. Any salt brought within the limits of the salt chokies, in violation of the above prohibition, shall be forfeited; and the parties in whose possession it may be found shall be liable to the penalty prescribed in Section XXXVI, for the illicit possession of salt; provided also, that it shall be competent to the said Board to withhold or grant such rowannahs, as they may in each instance see fit.

Salt transported beyond the limits of the chokies, not to be brought within those limits without fresh rowannahs.

Penalties for breach of the above rule.

XLI. If any person shall attempt to transport within the limits specified in Clause First, Section XXXVI, of this Regulation, by land or by water, under a rowannah, chellaun, renewed or exchange rowannah, atrafee rowannah, or special pass from the Board of Customs, Salt and Opium, a greater quantity of salt than shall be specified in the rowannah, or other document aforesaid, the excess so attempted to be transported, as well as the quantity specified in the rowannah or other document aforesaid, shall, if the surplus be found on weighing to exceed two and a half per cent. on the quantity so specified, be held to be contraband, and shall be seized and confiscated as such; and the gomastah or other person in charge of the salt shall, on proof of the fact, be subject to a fine of ten rupees for every maund of salt in excess of the quantity stated in the rowannah or other document aforesaid.

Dispatches of salt to be held contraband if they exceed the amount designated in the rowannahs or other papers, in more than two and a half per cent.

XLII. In like manner if any quantity of salt, accompanied by a char chitty, shall be found to exceed that mentioned in the char chitty, a fine of ten rupees shall be levied on every maund of salt, so found in excess, from the proprietor.

Penalty if the salt exceed the amount specified in the char chitty.

XLIII. Any person convicted of having fraudulently sold, given or purchased rowannahs, renewed or exchange rowannahs, atrafee rowannahs, chellauns, char chitties or passes, or of having illicitly altered, attested or endorsed such documents, or of having engaged in or connived at clandestine or fraudulent dealings, with respect to rowannahs, renewed or exchange rowannahs, atrafee rowannahs, chellauns, char chitties or passes, for the purpose of smuggling salt, either with the person in

Penalties on persons convicted of falsifying rowannahs and other documents for the purpose of smuggling salt.

whose name the rowannah, or either of the aforesaid documents, shall have been taken out, or with any other person or persons concerned in such transactions, shall forfeit to Government a sum of five hundred sicca rupees on every hundred maunds of salt specified in the said rowannah, renewed or exchanged rowannah, atrafee rowannah, chellaun, char chitty or pass.

Salt boats to be registered by the agents in what cases.

XLIV. All boats, sloops or vessels of any description, employed in transporting from the Company's golahs salt sold or to be sold at the Company's sales, shall be registered by the salt agent of the division to which the boats, sloops or vessels may proceed to receive salt,

Salt not proceeding to the place and by the route prescribed in the rowannah or other papers, to be held to be contraband.

XLV. *First.*—Salt not proceeding by the route and to the place specified in the rowannah, renewed or exchange rowannah, atrafee rowannah, or chellaun, shall be held to be contraband, although accompanied by a rowannah renewed or exchange rowannah, atrafee rowannah or chellaun; the salt shall be confiscated, and the parties in whose possession it may be found shall be liable to the penalty prescribed in Section XXXVI, for the illicit possession of salt.

Fresh rowannahs therefore must be taken out when the destination of the salt is to be changed.

Second.—All persons therefore who, after taking out a rowannah, renewed or exchange rowannah or atrafee rowannah, for any dispatch of salt, may be desirous of consigning or carrying the salt, or any portion of it, to a place or by a route other than the place or route specified in such documents, shall apply for a fresh rowannah of the same description as the rowannah possessed by them, to the Board of Customs, Salt and Opium, which Board shall grant the same, subject to the general rules above prescribed for renewed rowannahs.

Rules to be observed when any portion of salt covered by a rowannah or other document is sold within the line of chokies.

XLVI. *First.*—All proprietors of salt covered by a rowannah, renewed or exchange rowannah, special pass, atrafee rowannah or char chitty, who may sell or otherwise dispose of any portion of such salt within the line of the salt chokies, are required daily to certify on the back of the rowannah or other document aforesaid, the quantity sold or disposed of by them, and when practicable they shall as heretofore obtain the attestation of the nearest chokey darogah.

Penalty on failure to observe those rules.

Second.—Any person neglecting or omitting to comply with the above provision, shall be subject to a fine of five rupees for every maund of salt which may be proved to have been sold, and not to have been written off in the manner above directed; and it shall be competent to the salt agent and superintendent to whom information of any breach of this rule may be given, to detain as security for the eventual liquidation of the said fine, two maunds of salt for every maund irregularly sold or disposed of. In like manner persons who may accidentally lose any portion of a dispatch of salt within the said limits, are hereby required under the like penalty, to write off in the manner aforesaid the quantity of salt lost by them, and to obtain the attestation of the nearest chokey darogah as above prescribed.

If the whole be sold within the limits of the chokies, or any part carried beyond the chokies, the document which covered it to be delivered up.

Third.—Should the whole of any dispatch of salt be disposed of within the limits of the chokies, the rowannah, atrafee rowannah or char chitty, covering the salt, shall be delivered up to the darogah of the chokey within which the last parcel of the salt shall have been disposed of; or in the event of the whole quantity of salt covered by any of the aforesaid documents, or any part thereof, being carried out of the control of the salt chokies, the rowannah or other document shall in that case be delivered up to the darogah of the last chokey which the salt may have to pass. It shall be the duty of the darogahs to transmit all rowannahs and atrafee rowannahs which may come into their possession, to the office of the secretary to the Board of Customs, Salt and Opium, in order that they may be there examined and compared.

Penalty when documents may be retained in breach of the foregoing rules.

Fourth.—Any person who, in disregard of this rule, shall retain, or in whose possession any of the aforesaid documents shall be found after the salt for which they were taken out shall have been sold or carried out of the chokey, and who may not be able to account for omitting to surrender them, shall on conviction forfeit to Government the sum of one rupee per maund on the quantity specified either in the rowannah, renewed or exchange rowannah, or atrafee rowannah, which may be in his possession.

Fees to be levied on the issue of certain documents.

Fifth.—Fees shall be levied on the issue of rowannahs and exchange rowannahs as heretofore, at the rates specified in the list of fees annexed to this Regulation; and on the issue of atrafee rowannahs, the chokey darogahs shall levy a fee of four annas

annas for each, and shall remit the amount of the fees so collected to the salt office, at such times and in such manner as the Board of Customs, Salt and Opium, shall direct.

Officers of salt chokies to endorse certain documents.

XLVII. Whenever any dispatch of salt covered by a rowannah, renewed or exchanged rowannah, atrafee rowannah, chellaun or char chittee, shall pass any salt chokey, the rowannah or other document aforesaid shall be endorsed by the chokey darogah previously to its being passed, and if any salt shall be carried past any chokey without the rowannah or other document being so endorsed, the salt shall be liable to seizure and confiscation, in like manner as if it was unaccompanied by a rowannah. Any darogah refusing or delaying, without sufficient cause, to give the requisite endorsement on a rowannah or other of the documents aforesaid covering salt in transit past his chokey, shall be liable to such fine not exceeding five hundred rupees, as may be adequate to the offence, and to the injury sustained: two-thirds to be paid to the owner of the salt, and one-third to be carried to the credit of Government.

Importation of salt by land (not being Government salt) into Bengal, Behar or Oriſſa, prohibited. Penalties.

XLVIII. No salt, not being salt made by or on account of Government, shall be imported by land into any place within the provinces of Bengal, Behar or Orissa; and any person offending directly or indirectly against this prohibition, or knowingly having in his possession any salt so imported within the said provinces, shall, in addition to the confiscation of the salt, forfeit the sum of ten rupees for each and every maund of salt so imported by him, or with his connivance.

The transportation of certain kinds of salt beyond certain limits, prohibited. Penalty.

XLIX. *First.*—The transportation by water lower down the river Ganges than Ghazeepore, or by land or by water to the right bank of the river Caramnassa, of any of the following descriptions of salt, viz. Salumba, Balumba, Bopcha, Sumbur, Doodwara, Lahore, Kasea, Kur, Nula, Namah, Geolia, Paut, or of any salt manufactured or produced in any part of the province of Benares, the ceded and conquered Provinces, or the countries to the north and westward thereof, is hereby strictly prohibited; and any of the said descriptions of salt which shall be transported in the manner and within the places aforesaid, subsequently to the promulgation of this Regulation, or which shall be found within the said places six months after that date, shall be confiscated, together with the boats or vessels, bullocks or carriages, on which the said salt may be laden.

Further penalties in ſuch caſes, on proprietors of ſuch ſalt.

Second.—Proprietors of any of the descriptions of salt specified in the preceding Clause of this Section, which may with their knowledge be transported within the limits therein described (subsequently to the promulgation of this Regulation), or any person in whose possession any of the said descriptions of salt may be found within those limits at the expiration of the period above fixed, shall, in addition to the confiscation of the salt, and the boats, bullocks or other cattle, and the carriages on which the salt may be laden, pay a fine at the rate of ten rupees per maund on the quantity of salt so confiscated.

More than one maund of ſalt of the deſcriptions above alluded to, not to be ſtored within certain limits.

L. It is further hereby enacted, that no person shall import, transport or store any quantity of the salts described in the preceding Section, exceeding one maund of eighty-two Calcutta sicca weight to the seer, within the distance of eight coss from the limits of the districts of Shahabad or Sarun; and any salt exceeding the above quantity, which shall be found at the expiration of six months from the promulgation of this Regulation, within the tract aforesaid, shall be liable to seizure by the superintendent of salt chokies in Behar, or other officer duly authorized in that behalf by the Governor General in Council, and shall be forfeited to Government.

Salt not to be exported by land from Cuttack into Midnapore, or other diſtricts under the Preſidency of Fort William.

LI. The exportation of salt by land from the province of Cuttack to Midnapore, or any other district subject to the control of the Bengal Government, is hereby strictly prohibited; and all salt exported from the province of Cuttack, in disobedience to this prohibition, shall be confiscated, together with the boats, vessels, cattle and carriages, which may be used in the transportation on which the same may be laden.

Nor by ſea, except on account of Government.

LII. The exportation of salt by sea from the province of Cuttack, except on account of Government, is hereby strictly prohibited; and any salt attempted to be exported in disobedience to this prohibition, shall be confiscated, together with the boat, doney or other vessel on which the same may be laden.

In addition to the confiscation of the ſalt in the foregoing inſtances, the proprietors to be ſubject to a fine.

LIII. Proprietors of salt which may be exported from Cuttack, in violation of the rules contained in the two preceding Sections, shall, on conviction, be subject to a fine of ten rupees for every maund of salt so exported.

Native officers of Government to ſuppreſs the ſale, importation, &c. of ſuch illicit ſalt, under what penalties.

LIV. All native officers of Government of whatever description, and especially all such officers in the districts within which or in the neighbourhood of which salt is manufactured on the public account, or in those in which salt chokies may be established, are specially enjoined, under pain of dismission from office, and the penalties herein specially provided, to assist in suppressing the illicit sale, purchase, importation, transportation or possession of salt, by seizing the same, if authorized to do so, or if not vested with the power of seizure, by giving immediate information to the authority to which they may be respectively subject, of all instances of such illicit sale, purchase, importation, transportation or possession of salt which may come to their knowledge; any magistrate or other officer, to whom such information may be given, shall immediately transmit the same to the salt agent or superintending officer of salt chokies. Any native officer aforesaid, who may neglect to give information in the cases above specified, or who may in any manner connive at the illicit sale, purchase, importation, transportation or possession of salt, shall on conviction be liable to a fine not exceeding five rupees for each and every maund of salt so sold, purchased, imported, transported, or possessed, with his knowledge or connivance.

Penalties on perſons conveying contraband ſalt.

LV. Manjees of boats, dandies, bullock drivers, coolies and other persons who may be convicted of knowingly conveying contraband salt on account of others, shall on conviction be liable to imprisonment for a period not exceeding six weeks, and further to the payment of a fine not exceeding fifty rupees.

Rules for preventing resistance to Officers seizing contraband Salt, and for applying for the assistance of the Police in effecting such seizures.

The offence of reſiſtance to perſons authorized to ſeize ſalt how puniſhable.

LVI. Any person who may by force or threats prevent an officer of the salt department, or other officer authorized to attach salt, from effecting the seizure of any salt suspected to be contraband or adulterated, or who may forcibly resist such officer in the execution of that duty, shall be liable on conviction before a magistrate to a fine not exceeding two hundred rupees. Parties offending shall further be liable, in the event of an affray or other breach of the peace occurring in consequence of their resistance, to be punished under the general rules applicable to such cases.

In what caſes police officers to aſſiſt in making the ſeizure.

LVII. It is hereby further declared and enacted, that if any officer authorized to attach salt, shall have seized or be about to seize any dispatch of salt, on information or suspicion of its being contraband, or shall have effected or be about to effect the attachment of the cattle, carriages or boats used in transporting such salt, and shall have reason to apprehend forcible resistance, such officer shall apply to the nearest darogah to aid him in the execution of his duty; and all darogahs or other officers in charge of thannahs or chokies, to whom such application shall be made, or who may otherwise have reason to apprehend the occurrence of a breach of the peace in consequence of a seizure of salt, shall immediately afford the requisite aid to effect the seizure and preserve the peace.

The police officers are not to judge of the propriety of the meaſure, but to prevent unneceſſary violence.

LVIII. Such seizures shall be made on the responsibility and at the risk of the officers authorized to seize, and the police officers shall not be competent to exercise any discretion in regard to the propriety or otherwise of the seizure which they may be called upon to support, but shall be careful to prevent any unnecessary violence.

Special rules for ſearching houſes and premiſes.

LIX. The following special Rules shall be observed in cases in which it may be necessary to enter and search dwelling-houses, warehouses, or other premises.

Nature of the information to be given in ſuch caſes.

LX. *First.*—In cases where contraband salt shall be suspected to be so deposited, the person giving the information shall, in the first instance, be required to give in to the salt agent, superintending officer of chokies, uncovenanted European assistant, or the head native officer in charge of the aurung or chokey to which he may apply, a written statement, specifying the name of the person in whose house, premises or golah, the salt is concealed, the name of the village or place, and quantity of salt to the best of his knowledge, and generally the grounds of his belief that illicit salt is deposited in the village or place in question; after which, the salt agent or superintending officer of chokies, in the event of there being strong grounds to think that illicit salt is deposited in the premises of such individual, shall proceed to act upon the said information in the following manner.

Second.

Second.—The salt agent or superintending officer of chokies (if the information shall have been laid immediately before them) shall swear the informer to the truth of his statement, and make such further inquiries from him on oath as may appear proper; if the salt agent or superintending officer of chokies shall see reason to credit the accuracy of the information, he shall send the informant accompanied by a responsible person of his own department to the nearest police thannah, with a requisition for the darogah, or person in charge thereof, to attend, or to depute a trust-worthy officer of the thannah to be present at the search of the premises, and render any assistance which may be found necessary.

Informer to be ſworn and further examined.

If his information be credited, the police officers to be required to attend at the search.

Third.—In cases in which the chokey or head station of an aurung shall be situated at a distance from the sudder station of the agent or superintendent, or in which it may from any other cause be impracticable to lay the information directly before those officers, it shall be competent for the uncovenanted European assistant or head native officer of an aurung or chokey to receive the same, and to carry the informant to the nearest magistrate where the station of the Zillah Court may be more conveniently situated than that of the agent or superintendent; and it shall be the duty of the magistrate in such cases, after taking the deposition of the informant on oath, and otherwise satisfying himself that there are sufficient grounds for believing the information, to issue a warrant to the nearest darogah, authorizing and directing him to assist in the search in the manner above prescribed: provided also, that the magistrates shall in such cases take due precautions to avoid publicity or unnecessary delay.

Mode of proceeding when the information be laid before an European aſſiſtant or head native officer of an aurung or chokey.

Fourth.—Should it be found necessary to break open the door of any house or apartment, the darogah or other police officer is to be careful to use the same rules and precautions as are prescribed for his observance by Regulation XX, of 1817, in cases of distraint for rent.

Doors not to be broken open, except in the mode preſcribed in caſes of diſtraint for rent.

Fifth.—The agency or chokey officer shall, in all cases of search, transmit to his immediate superior a full report of his proceedings. In like manner the police darogah shall, in all such cases, report his proceedings in due course to the magistrate, and shall at the same time countersign the report of the circumstances to be forwarded by the native officer in the salt department to his official superior.

Salt and police officers immediately to report their proceedings to their reſpective ſuperiors.

LXI. All officers of the salt department are hereby strictly prohibited from forcibly entering of their own authority, and unaccompanied by a police officer, the house or premises of any individual where contraband salt may be alleged to be concealed, nor shall any house or apartment be broken open on account of illicit salt, except on a statement verified on oath of more than one maund being concealed therein, and no police officer shall assist in any search, except on the requisition of a salt agent or superintendent, or under the warrant of the magistrate.

Prohibition againſt forcible entry, except in the manner preſcribed.

LXII. The officer of the agency or chokey department, bearing a requisition or warrant as aforesaid, and the police officers receiving such requisition or warrant, shall specify in their respective reports the date and exact time when the requisition or warrant was delivered to the latter: and if any delay shall occur in effecting the search, the said officers shall record the circumstances at full length in their respective reports.

Time of delivering a warrant or requiſition to the police darogah to be noted.

Penalties and Fines for misconduct of Officers in the Salt Department, Pykars, and others dealing in Salt.

LXIII. Officers of every description in the employment of salt agents, or superintending officers of salt chokies, are prohibited from taking or receiving any fee, gratuity, perquisite or allowance, either in money or effects, under any pretence whatever, from any molunghee or other person employed or concerned in the manufacture of salt; and if any such description of person, subject to the authority of the salt agent or superintending officer, shall be convicted before the zillah or city magistrate, within whose jurisdiction the offence may have been committed, of disobedience to this prohibition, he shall be adjudged by the Court to refund the money or things so taken or received, and besides being dismissed from his office by the officer or authority to which he may be subject, he shall be further liable to imprisonment for any term not exceeding six months, which the Court may judge proper, together with such fine (not exceeding five hundred rupees for every one hundred rupees in amount or value taken or received as aforesaid), as may appear

Penalties on ſalt officers for receiving fees or gratuities from molunghees or others concerned in the manufacture of ſalt, or for withholding or appropriating advances.

adequate to his offence: provided also, that the above rule shall be held applicable to any officer entrusted with the payment of advances to the molunghees, who may under any pretence or colour whatsoever, appropriate to his own use the whole or any part thereof, or who may take or require from any molunghee or other person employed or concerned in the manufacture of salt, a receipt or other written acknowledgment for a larger sum of money, than may have been actually paid to him.

Certain officers convicted of embezzling or making away with salt entrusted to their charge to be subject to the punishment inflicted for theft.

LXIV. Officers in charge of salt golahs, or any warehouse or other place in which salt, the property of Government, is stored, who may embezzle any of the salt received into any such golah or place of deposit entrusted to their charge, or who may knowingly permit any salt so received to be carried from such golah or place of deposit, without an order from the agent to whom he is subordinate, or who may so permit to be carried from such golah or place aforesaid a greater quantity of salt than is specified in such order, or who may knowingly grant a receipt for a larger quantity of salt than is received and stored by him, shall be held guilty of theft, and punished accordingly, on conviction before a competent Criminal Court.

Security to be furnished by officers in the salt department having charge of public money, salt or other public property.

LXV. It shall be the duty of salt agents and superintendents of chokies, on appointing any officer to situations involving the charge of public money or the custody of salt, or any other public property, or to the situation of darogah or mohurrir of a salt chokey, to require such officer to furnish two responsible sureties (hazir zaminee and mal zaminee) in such sums as the Board of Customs, Salt and Opium, may direct. Officers already appointed to situations of the above description, and who have not furnished security as aforesaid, shall be required to do so within such period as the Board of Customs, Salt and Opium, may judge proper, and on failure to do so, shall be liable to dismission from office.

Penalties on salt darogahs when guilty of certain acts.

LXVI. Darogahs in the salt department, who may be convicted of conniving at smuggling, shall, besides removal from office and forfeiture of the amount of their securities, pay a fine of ten sicca rupees on every maund of salt, which shall have passed the chokies, of which they shall respectively be in charge, with their knowledge or connivance: provided also, that the parties shall be liable to imprisonment in the Dewanny gaol, for such period not exceeding six months, as may appear adequate to the offence. Darogahs absent from their stations without leave shall be responsible under the penalty prescribed in the first part of this Section, for any connivance at smuggling, which may be proved against the person to whom the charge of the chokies may be left by them.

Penalties on persons who may purchase or procure salt in an illicit manner.

LXVII. Dealers in salt, pykars or others making advances to molunghees, officers attached to the salt department, or other persons, for the illicit manufacture or delivery of salt, or purchasing or obtaining salt from such molunghees, officers or persons, in an illicit manner, shall on conviction pay a fine of ten sicca rupees for every maund of such salt for which advances shall have been so made, or which shall have been so purchased or obtained, and the salt if seized shall be confiscated.

Penalties on officers or servants in the salt department for certain acts of wilful misconduct.

LXVIII. If any officers or servants employed in the salt department, or any other native officer of Government, shall under any pretence or by any means whatever, directly or indirectly, cause salt to be obtained from the manufacturers or other persons employed in the salt department, otherwise than on account of the Government, or shall cause salt to be manufactured for their own benefit, or knowingly permit such manufacture for the benefit of any other person, the salt so obtained or manufactured shall be confiscated, and the officer or servant so obtaining the salt, or causing the salt to be so manufactured, shall on conviction pay a fine to be calculated at the rate of sicca rupees ten for every maund of salt so obtained or manufactured, and the officer or servant aforesaid shall further be liable to imprisonment for a period not exceeding six months.

In what cases the mohurrirs of chokies to be responsible for the acts of their superiors.

LXIX. In cases in which the darogah shall be declared liable to the penalty specified in Section LXVI, the mohurrir of the chokey shall be considered to have connived with the darogah, and shall pay a fine of two rupees eight annas for every maund of salt illicitly transported, unless it shall appear that such mohurrir was absent with leave from the station at the time when such offence was committed, or that he gave immediate information of the circumstance to the superintendent, and otherwise used his utmost endeavours to cause the seizure of the salt, or was prevented from doing so by some unavoidable cause.

LXX. Molunghees

LXX. Molunghees or others receiving advances for the manufacture of salt on account of Government, who may be guilty of the embezzlement of the salt, for the provision of which they may have received advances from Government, or of otherwise illegally disposing of any salt manufactured by them, shall on conviction be liable to a fine of four rupees per maund of eighty-two sicca weight to the seer for each and every maund of salt embezzled, and the salt so embezzled shall be confiscated. In addition to the above penalty, the offenders shall be imprisoned for a period not exceeding three months.

Penalties on molunghees for embezzling or illicitly disposing of salt.

Rules defining the powers of Officers in regard to the seizure of Salt.

LXXI. *First.*—The authority to seize salt, and other articles liable to seizure and confiscation, under the rules of this Regulation, shall as heretofore ordinarily, and in virtue of their offices be exercised by salt agents, and superintendents of salt chokies and their assistants, uncovenanted European and subordinate native officers. But the Governor General in Council reserves to himself the power of vesting a like authority in such of the zillah and city magistrates, collectors of land revenue, or officers in charge of the abkarry mehal, collectors and deputy collectors of customs, opium agents and their deputies, and their subordinate officers respectively, as he may deem fit.

What persons authorized to seize salt.

Second.—Provided however, that all uncovenanted European or native officers making a seizure under the powers vested in them by this Regulation, or by the special orders of the Governor General in Council, shall within twenty-four hours after making such seizure communicate their having done so, with a report of the circumstances connected with the seizure, to the authority to which they may be respectively subject, and the magistrate or other officer to whom information of a seizure may be thus communicated, shall immediately transmit the report to the nearest salt agent or superintending officer of salt chokies, to whom all salt so seized shall be delivered.

Cases of seizure to be reported without delay.

LXXII. The salt agents and their officers, the officers of the salt chokies, and officers in the salt department acting under the immediate orders of the Board of Customs, Salt and Opium, being alone empowered to attach of their own authority, and by virtue of their offices, salt which they may know or suspect to have been illegally manufactured, imported, sold or transported, no officers excepting those above described shall seize or detain salt, unless specially vested by Government with authority to that effect.

Officers not authorized to seize salt, strictly prohibited from exercising the power.

LXXIII. Whenever any of the native officers subordinate to a zillah or city magistrate, collector of land revenue, or officers in charge of the abkarry mehaul, or a collector or deputy collector of customs, who may be specially authorized by Government to seize salt, shall receive information of any salt not made in the Company's provinces of Bengal or Orissa, on account of Government, having been illegally imported into the said territories, or of salt of any description being transported or stored within the limits of the salt chokies without the proper rowannah, chellaun, char chitties or special pass, or of any salt being manufactured on account of individuals, by molunghees or other persons, at the kalaries or salt works established on account of the Company, or at any kalaries or salt works established by individuals, for the purpose of manufacturing salt on their own account, or that of any other persons, the several officers aforesaid shall, as above directed, transmit immediate notice thereof to the nearest officer in the salt department, empowered to attach contraband salt, and to the magistrate or other functionary to whose immediate orders they may be subject, and shall further be guided by the following rule. If the salt shall be accompanied by a regular rowannah, chellaun, char chitty or special pass, the native officers shall confine themselves to sending the information aforesaid to the nearest officer in the salt department, and to the European functionary to whom they may be subordinate, and to assist in the seizure of the salt either under the orders of their immediate superior, or on application from the officers of the salt department, and shall not seize or detain any salt accompanied by such papers in the first instance of their own authority; but if any dispatch of salt shall be unaccompanied by a rowannah, chellaun, char chitty or special pass as aforesaid, the said officers are empowered, of their own authority, to detain the salt, sending without delay notice of the detention of the salt to their superior, and to the nearest officer in the salt department. Any native officer of Government, (not being an

Native officers not attached to the salt department how to act on receiving information of the illicit manufacture, sale or transportation of salt.

officer attached to the salt department), unless specially authorized to do so, as well as any such officer who, though specially authorized as above, may seize or detain salt, accompanied by a regular rowannah, chellaun, char chitty or special pass, shall be liable to be dismissed from his office, and to be prosecuted for damages in the Dewanny Adawlut by the owner or the holder of such salt.

Officers of the salt department making seizures how to proceed.

LXXIV. The officers of the salt agents and of the superintending officer of salt chokies, and officers acting under the immediate orders of the Board of Customs, Salt and Opium, and all other subordinate officers whatever, making seizures of salt, shall transmit without delay, and by the most expeditious mode of conveyance, a report of the circumstances of the seizure to their immediate superiors. If the officers seizing salt shall omit to forward the required report, or shall make any unnecessary delay in forwarding it, they shall in the event of the salt not being confiscated, be liable to be prosecuted in the Dewanny Adawlut for damages by the proprietor of the salt, and to dismission from office, or in the event of the salt being confiscated, such officers shall be dismissed from office, and forfeit to Government the amount of the reward to which they would have become entitled in consequence of the confiscation of the salt.

Penalty for removing attachments without due authority.

LXXV. *First.*—All subordinate officers in the salt department are prohibited from removing the attachment from any salt which they may have seized, until they shall have received orders for that purpose from the salt agents, or the superintending officers of the salt chokies, or the Board of Customs, Salt and Opium. Subordinate officers disobeying the rules contained in this Section shall be dismissed from their office, and shall pay a fine of two hundred and fifty sicca rupees for every hundred maunds of salt so released.

Salt agents and superintendents may release seized salt.

Second.—The salt agents, or the superintending officers of the salt chokies, are empowered to order the release of any salt seized by their own officers, or any salt which may have been seized and made over to their officers by the magistrates, collectors of revenue, or other functionary, if on enquiry such salt agents, or superintending officers of salt chokies, shall be of opinion that the salt is not liable to confiscation.

Same powers vested in magistrates, &c. as to salt seized under their authority.

Third.—If salt shall have been seized by the officers, or under the orders of any magistrate, or by the orders of any collector of revenue, or customs or deputy collector, or any officer in charge of the abkarry mehul or opium agent, or his deputy, previously to the delivery of such salt to the officers of the salt department, and such magistrate, collector or other officer aforesaid, shall be of opinion that the salt was seized on false or erroneous information, and that the salt is not liable to confiscation, he is hereby empowered to release the salt.

Communication to be made by magistrates to salt officers or superintendents.

LXXVI. The magistrate shall cause to be communicated in the manner which shall appear to them most convenient to the salt agent or superintending officer of chokies, the particulars of all information received from the police officers, and also of all applications made to those officers, by the officers in the salt department, or by any officer empowered to attach salt, for assistance in the seizure of salt.

Rules for preventing the adulteration of Salt.

Penalties for the adulteration of salt.

LXXVII. Any common or alimentary salt, adulterated by an artificial admixture with the substance called kharee noon, or mixed with phoolkharee noon, puckwa salt, or any description of impure and bitter salt, which may be found in any golah or shop, or in any place whatsoever, shall be confiscated and destroyed; and any salt merchant, or other person selling salt, wholesale or retail, who shall so adulterate it, or shall knowingly sell any salt so adulterated, shall pay a fine calculated at the rate of ten sicca rupees per maund of eighty-two sicca weight to the seer, upon the quantity which may be found so adulterated.

Magistrate to ascertain the fact of adulteration, and to direct the penalties.

LXXVIII. Salt adulterated in any of the modes above stated shall be seized by all officers empowered by this Regulation to seize salt, who immediately on making any attachment or seizure, are required to report the circumstance to the magistrate within whose jurisdiction the attachment may have been made; the magistrate on receiving such report shall, without delay, institute a summary inquiry into the circumstances of the case, and if it shall appear to him that the salt has been adulterated as aforesaid, and is in consequence liable to confiscation, he shall proceed to confiscate it accordingly, and to levy the prescribed fine, commutable, if not paid, to imprisonment in the Dewanny gaol for a period not exceeding six months.

LXXIX. In

LXXIX. In cases of attachment of salt alleged to be adulterated with kharee noon, or any other salt of the description therein specified, the magistrate shall without loss of time ascertain the fact by reference either to the civil surgeon of the station for examination, or to a committee of respectable merchants or dealers in salt, or in any other mode that may appear most likely to elicit the truth.

The fact may be ascertained by reference to what persons.

LXXX. Provided always, that if the proprietor of such confiscated salt, being dissatisfied with the order of confiscation, shall immediately give responsible security for the amount of the penalty, and further within a period of one month shall institute a regular suit in the Dewanny Adawlut against the officer, who may have seized the salt, for damages, in such case the magistrate shall suspend the execution of his order, and stay all further proceedings; but if, at the expiration of one month from the date of the order of confiscation, no suit shall have been instituted by the proprietor of the salt, the magistrate is without further delay to levy the penalty from his security, and otherwise to carry the order of confiscation into full effect.

Proprietor may sue in the civil court, and stay the order for confiscation on giving good security.

LXXXI. In all cases where any proprietor of salt confiscated for being adulterated with kharee noon, or any of the substances aforesaid, may be unable to give the above security for the amount of the penalty, the magistrate upon his being satisfied of the inability of the party to give the security, is hereby empowered to dispense with security, taking from the party bail for his appearance only, to abide the issue of the suit; or in the event of the suit not being instituted within the period prescribed by the preceding Section, to answer in his own person the amount of the penalty, and in the mean time the magistrate shall keep the salt under attachment.

Security may be dispensed with at the discretion of the magistrate.

LXXXII. In all cases in which it may appear that an attachment or seizure has been improperly made by an officer of Government, the proprietor of the salt shall be entitled to recover full damages for all the loss and expense to which he may have been subjected in consequence, by a regular suit in the Dewanny Adawlut.

Damages to be awarded in cases of improper attachment or seizure of salt;

LXXXIII. But should it appear to the Court that there was no just ground for objecting to the order of confiscation, and that the suit has been instituted merely with a view to create delay or for vexatious purposes, it shall be at the option of the Court to impose a fine of fifteen rupees per maund instead of ten rupees, as prescribed in Section LXXVII, of this Regulation: the decision in such case, as well as in all cases in which a regular suit may be instituted, being subject to the existing rules for appeals to the superior Courts.

And fine may be imposed if the suit appear frivolous or vexatious.

LXXXIV. In the event of a regular suit being instituted for the purpose of setting aside the order of confiscation, the salt shall be held under attachment by the Court until a final decision may be passed in the cause.

Salt to be held under attachment pending the suit.

LXXXV. The rules contained in the eight foregoing Sections with regard to the adulteration of alimentary salt with kharee noon, and other description of impure and bitter salt, are hereby declared to be equally applicable to all Pungah salt which may be found within the provinces of Bengal, Behar and Orissa, mixed with Balumbah, Salumbah or other salt, not being salt sold on account of Government, or imported by sea under the provisions of Regulation XV, 1817; excepting that any person who shall hereafter sell, or in whose possession salt of this description may be found, he knowing the same, shall besides the forfeiture of the salt, pay to Government the sum of five sicca rupees for every maund of eighty-two sicca weight upon the quantity which may be so mixed, instead of ten sicca rupees per maund as prescribed in Section LXXVII, in cases of salt being found adulterated with kharee noon or other impure and bitter salt. Provided further, that salt of this description which may be confiscated shall not be destroyed, but be sold without the limits of the provinces of Bengal, Behar and Orissa, in such place and manner as hereinafter prescribed.

The rules contained in the eight foregoing sections extended to certain other cases.

Proviso.

Rules regarding the importation of Foreign Salt by Sea.

LXXXVI. Salt imported by sea under the provisions of Regulation XV, 1817, shall, on transportation into the interior of the country, be subject to the same rules as are prescribed for regulating the transit of salt manufactured and sold on account of Government.

Transit of salt imported by sea, how to be regulated.

LXXXVI. The Board of Customs, Salt and Opium, will accordingly cause rowannahs and other necessary documents, to be granted to the importers or owners of such salt, on their producing a certificate from the collector of customs of the payment

Rowannahs and other documents to be furnished, and without such documents to be held con-

Contraband and subject to prescribed penalties.

payment of the duty of rupees three per maund, as prescribed in the Regulation aforesaid; and all salt imported by sea, which may be found on *transitu* in the interior of the country unaccompanied by the regular documents, shall be held contraband, and as such be seized and confiscated to Government; and the persons in whose possession such contraband salt may be found, they knowing the same, shall be liable to the penalty prescribed in Section XXXVI, for the illicit possession of salt.

Rules regarding the distribution of Rewards to certain Officers of Government attached to the Salt Department.

Covenanted servants of the Company not to be entitled to rewards for seizing illicit salt.

LXXXVIII. Salt agents, and superintending officers of chokies, and their respective assistants, being covenanted servants of the Company, shall not be entitled to any share of the rewards heretofore received by them, for salt which may have been attached or confiscated by their respective orders, or by their respective officers; this rule shall also be held applicable to salt seized by the aforesaid officers under the provision contained in Regulation XV, 1817.

Rewards to subordinate officers in the salt department.

LXXXIX. *First.*—All subordinate officers of Government attached to the salt department, who may be concerned in the attachment of salt under the orders of their immediate superiors, or to whom information may be given respecting illicit salt, and who shall in consequence be immediately concerned in the attachment of the salt, shall be entitled to the following rewards:—In cases in which the offenders may be apprehended and convicted, the officers concerned in the seizure shall be entitled to a reward of fifteen per cent. on the value of such salt. In cases in which a seizure simply of the contraband article is effected, the officers concerned in effecting the seizure shall be entitled to a reward of ten per cent. on the value of such salt. The value of the salt, in both cases, to be estimated according to the price at which salt of the same description shall have been sold at the last public sale preceding the seizure.

Further specification of rewards in certain cases.

Second.—If salt shall be attached exclusively by the subordinate officers of Government serving in the salt department, and not upon information, the officers concerned in making such attachments shall be entitled to the following rewards:—In cases in which the offenders may be apprehended and convicted, the officers concerned in effecting the seizure shall be entitled to a reward of thirty per cent. on the value of such salt. In cases in which a seizure simply of the contraband article is effected, the officers concerned in effecting the seizure shall be entitled to a reward of fifteen per cent. on the value of such salt, to be estimated in the mode described in the preceding Clause of this Section.

Rewards to officers not in the salt department.

Third.—All native officers of Government not in the salt department, as well as all other persons whatsoever, who shall furnish information of salt illegally imported, manufactured, transported or possessed within the provinces of Bengal, Behar or Orissa, shall, provided the offender be apprehended and convicted, be entitled to a reward of fifteen per cent. on the value of such salt. In cases in which a seizure simply of the contraband article is effected, the officers and persons above mentioned shall be entitled to a reward of ten per cent. on the value of the salt, which is to be estimated in the mode described in the two preceding Clauses of this Section.

Value of salt how to be estimated in fixing the rewards.

XC. The rewards to be granted under this Regulation on coast salt, or on Saumer, Saulumbah, or any other species of foreign salt, which may be confiscated, shall be calculated on the price at which salt of the same description shall have been sold at the last public sale preceding the seizure, or (if no salt of that description shall have been sold at such sale) if the salt be of a kind the use of which within the provinces of Bengal, Behar and Orissa is prohibited, the Board of Customs, Salt and Opium, shall value the salt at such price as they may deem equitable, and the reward shall be calculated on such valuation.

Confiscated boats, carriages, bullocks, &c. how to be disposed of.

XCI. All boats or carriages on which any contraband or adulterated salt shall be loaded, together with all horses, bullocks or other cattle employed in its transportation, shall be forfeited and sold by public sale, and the proceeds distributed in the following manner; that is to say, one-third part to the informer or informers, one-third part to the officer or officers making the seizure, and one-third to the Government: provided further, that in cases in which a seizure of salt may be made by an officer duly authorized, without the intervention of an informer, such officer shall receive a moiety of the

the proceeds of the boats, carriages or cattle aforesaid, the remaining moiety to be carried to the credit of Government.

XCII. All rewards payable on confiscated salt, in the province of Cuttack, shall be calculated on the selling price at which Government salt of the same description may be disposed of to merchants and individuals in that province, whether the salt be disposed of by public auction, or a ready money sale.

Value of Cuttack salt how to be estimated.

XCIII. Salt of any of the descriptions specified in Section XLIX, of this Regulation, together with all Pungah salt mixed with Salumba, Balumbah or other salt, not being salt sold on account of Government, or imported under Regulation XV, 1817, which may be confiscated, shall be disposed of in such place or places, beyond the limits of Bengal, Behar or Orissa, and in such manner as the Governor General in Council shall direct.

Certain kinds of confiscated salt where to be disposed of.

XCIV. *First.*—When attachments or seizures of salt adulterated with kharee noon or other salts of the nature described in Section LXXVII, of this Regulation, shall be made wholly by the native officers of Government, and not upon any information furnished to them, they will be entitled to receive one moiety of the fine which may be levied from the offender, agreeably to the rule prescribed in that Section, and the other moiety is to be carried to the account of Government.

Proceeds how to be disposed of.

Second.—If any other person or persons shall give information of salt being so adulterated, to the native officers of Government, and the salt shall be seized in consequence of such information, he or they will be entitled to receive one-third of the fine which may be levied as above prescribed, and the officer who may have made the seizure will be entitled to receive also one-third of the amount, the remaining third is to be carried to the account of Government.

Proceeds how to be disposed of.

Third.—The boats, carriages, &c. on which such adulterated salt may be loaded, together with the horses, bullocks and other cattle, employed in its transportation, shall be forfeited and sold by public sale; and the proceeds of the sale shall be distributed in the manner above-mentioned, for the distribution of the fine levied from the offender.

Ditto of boats, carriages and cattle.

XCV. One-third of all fines which may be levied under the rules contained in this Regulation, excepting in cases specially provided for, shall be paid to the person or persons who shall first inform against the offender, whether the informant be an European uncovenanted or a native officer of Government, or a private individual, and the remaining two-thirds shall be carried to the credit of Government. In like manner in all cases in which the appropriation of the fine may not be specifically provided for, the amount unappropriated shall be carried to the credit of the public account.

Fines levied under this Regulation how to be disposed of.

Judicial Duties of Salt Agents, and Superintending Officers of Chokies.

XCVI. All suits, complaints and informations for the recovery of any fine, or penalty recoverable by Government, or by the informer, on account of the illicit manufacture, sale, purchase, importation, transportation or possession of salt, excepting complaints or charges preferred against public officers for a breach of their official duty, of which the cognizance is specifically reserved to the zillah or city Judges or Magistrates, and excepting cases of adulteration of salt, are hereby declared cognizable in the first instance by the salt agents and superintending officers of salt chokies; any thing in the existing Regulations to the contrary notwithstanding, and the investigation thereof shall be conducted under the following Rules.

What cases connected with this Regulation are judicially cognizable by salt agents and superintending officers of salt chokies.

XCVII. No suit, complaint or information of the nature above-mentioned, shall be admitted or proceeded upon by the salt agent, superintending officer of salt chokies, or other officer vested with the cognizance of the same, unless it shall be preferred within the period of six months after the act, for which the fine or other penalty may be demandable, shall have been committed, excepting in cases in which the same shall be prosecuted on the account of Government, and good and sufficient cause be shown why the suit was not preferred within the period of six months from the commission of the act whereupon the fine or other penalty is demandable.

No suits or complaints to be cognizable by those officers unless preferred within six months after the commission of the act.

XCVIII. Petitions and other papers presented in suits, informations and complaints, preferred under this Regulation before a salt agent or superintending officer of

Petitions and papers in cases connected with this Regulation before salt agents and

Superintendents need not be written on ſtamped paper, nor in caſes before the courts of judicature under the following proviſions of this Regulation.

of ſalt chokies, as well as all papers filed in the Courts of Judicature in cases brought before them under the provisions hereinafter contained, ſhall not be required to be written on stamped paper, and all engagements contracted between Government, or its officers and individuals, under this Regulation, shall be received and admitted in evidence in the different Courts of Judicature, and by the salt agents and superintending officers of salt chokies, although not written on stamped paper.

Proceedure to be obſerved when information is received of the eſtabliſhment of illegal kalaries.

XCIX. Upon information being given to any salt agent or superintending officer of chokies, that kalaries or salt works have been illegally established in any village or other place, such officers shall either proceed to the spot in order to satisfy themselves of the fact, or shall depute the darogah of the nearest aurung or chokey, or some other trust-worthy person for that purpose. The darogah or person so deputed, after ascertaining the existence of such illicit kalaries, shall proceed to destroy the works in the most public manner. He shall draw up a full report of the circumstances of the case, attested by the signatures of the most respectable ryots of the village, and transmit it to the salt agent or superintending officer of chokies, with the implements of manufacture, or such other unequivocal proofs of the works having been used for illicit purposes, as he may be able to procure. The officer aforesaid shall at the same time ascertain as far as practicable, all the circumstances of the case, particularly the persons by whom the illicit kalary may have been established or worked, and whether there is reason to believe that any of the persons specified in Sections XXXII, and XXXIV, of this Regulation, were concerned in or connived at the manufacture; and whenever a salt agent, or superintending officer of chokies, shall have strong grounds to believe either from charges preferred or evidence given on oath, or from his own personal knowledge, that an illicit kalary has been eſtabliſhed, or that illicit salt is actually in the course of manufacture, contrary to the prohibitions contained in this Regulation, or that any person actually has in his possession a quantity of contraband salt, it shall be competent to the salt agent or superintendent aforesaid, to issue his warrant for the immediate apprehension of the person or persons actually engaged in the manufacture, or having the salt in his or their possession, summoning at the same time any witnesses that may appear necessary.

In what caſes a ſalt agent or ſuperintendent of ſalt chokies may iſſue a warrant.

In what caſes thoſe officers are to iſſue a ſummons, with or without requiſition of ſecurity.

C. In all other cases in which any person may be accused before the salt agent, or superintending officer of salt chokies, of acts rendering him liable to any of the penalties prescribed in this Regulation, the salt agent or superintending officer of chokies, shall issue a summons, with or without requisition of security, to be served by a single chupprassy, requiring the attendance of the person charged either in person or by vakeel, as the case may appear to those officers to require, to answer to the charge, on or before a certain day to be specified in the summons; and if it be necessary to require bail, the extent of the bail shall be stated in the summons, or the officers aforesaid shall at the same time summon such witnesses as may be named by the informer, and as they may judge it necessary to examine in proof of the accusation, together with any witnesses whom the accused may wish to have examined in his defence, to attend at the time appointed for the attendance of the accused.

Witneſſes alſo to be ſummoned.

Inquiry to be proſecuted to a concluſion, with the least practicable delay.

CI. In all cases in which the party accused or suspected may be apprehended under the warrant of the salt agent or superintending officer of salt chokies, or shall attend in person, the investigation by the officers aforesaid shall be commenced immediately on the arrival of the party at their cutcherries, and shall be prosecuted with the least possible delay, consistently with a due inquiry into the facts; and generally all cases of this nature tried before the officers aforesaid under this Regulation, shall, as far as practicable, be proceeded upon on the day specified in the summons for the attendance of the party or his vakeel, unless it shall be necessary to postpone the investigation in order to procure the necessary evidence.

Proceedure of salt agents and ſuperintendents in caſe of evaſion of their proceſs.

CII. Should any person charged with any of the offences which have been rendered cognizable in the first instance by salt agents, and the superintendents of salt chokies, under the provisions of this Regulation, fail to attend, either in person or by vakeel, after being served with a summons in the manner hereinbefore described, or should any such person evade the process of a salt agent or superintendent of salt chokies, the salt agent or superintendent of chokies shall then cause notice by proclamation, after the form annexed to this Regulation, to be prepared in the

Persian

Persian and Bengallee languages, one copy of which shall be affixed in some conspicuous place at his own cutcherry, another at the usual residence of the person charged, and separate copies shall be transmitted to the Judge and Magistrate, and to the Collector of the district, to be published by them in their several cutcherries, in the event of the party or parties not attending in person or by vakeel, within the time fixed by such notice; the salt agent or superintending officer shall proceed to investigate and pass a judgment on the case in the same manner as if the party had been present.

Powers vested in salt agents as to the administration of oaths, &c.

CIII. The salt agents and superintending officers of chokies are hereby authorized to summon witnesses, and administer oaths, or cause the execution of solemn declaration in lieu thereof, in respect to all matters brought before them under this Regulation, conformably with the provisions of Section VI, Regulation IV, 1793, and Section II, Regulation L, 1803; provided that if any witnesses shall refuse to take the oath or execute the solemn declaration required from him, he shall be sent to the Judge of the Zillah or City Court, to be confined as prescribed by the Regulations in similar cases.

General rules for the guidance of salt agents, &c. in the investigations committed to them.

CIV. The salt agents and superintending officers of chokies in the summoning and the examination of parties and witnesses, and in the general conduct of the investigation shall be guided (except when otherwise prescribed) by the rules in force for the guidance of the magistrates in the trial of persons charged with offences punishable by them; provided however, that in suits brought by any of the officers of Government, the personal attendance or deposition of the prosecutor shall not be required, but the prosecution shall be conducted by any agent or vakeel the prosecutor may choose to appoint for that purpose.

Proceedings to be held in open cutcherry.

And may fine for contempt.

CV. Under the above provisions the proceedings of salt agents and superintendents of chokies will of course be held in open cutcherry, and those officers while so holding cutcherry, shall be authorized to punish persons guilty of contempt, by a moderate fine not exceeding one hundred rupees.

Persons guilty of perjury and subornation of perjury before them, subject to the penalties prescribed for that offence.

CVI. Any person giving intentionally and deliberately a false deposition on oath, or under a solemn declaration taken instead of an oath, relative to any proceeding depending before a salt agent or superintending officer of chokies under this Regulation, and upon a point material to the issue thereof, shall be held and considered guilty of purjury, and shall be liable to the penalties prescribed for that offence in the Regulations in force; and any person causing or procuring another person to commit the offence of perjury as above described, is declared guilty of subornation of perjury, and punishable under the provisions of the said Regulations.

And resistance of their process how punishable.

CVII. Persons resisting any process regularly and legally issued by the salt agents or superintending officers of chokies, in any case depending before them under this Regulation, shall be liable to the penalties prescribed for cases of resistance to the process of a collector in Regulation XIV, 1793, under the provisions therein specified.

Salt agents and superintendents to record their judgment on the completion of the investigations.

CVIII. Whenever any salt agent or superintendent of salt chokies shall have completed the investigation of any case cognizable by them under this Regulation, it shall be their duty to record in a Persian or Bengalee roobakaree, all the material facts of the case, with the evidence by which they may appear to have been proved, and to state at length their own opinion on the case, and the penalty, if any, which in their judgment ought to be imposed.

Decision of salt agents and superintendents to be final in what cases.

CIX. Salt agents and superintendents of chokies are authorized to pass a final order of confiscation in all cases in which the quantity of salt subject to confiscation under the provisions of this Regulation shall not exceed twenty maunds of eighty-two sicca weight to the seer, and to carry such orders into effect of their own authority. In like manner, the decision of the aforesaid officers shall be final in all cases in which they may adjudge a party charged before them of any of the offences enumerated in Sections XXXI, XXXIII, XXXIV, XXXVI, XXXVIII, XL, XLI, XLII, XLIII, XLV, XLVI, XLVII, XLVIII, XLIX, L, LI, LIII, LIV, LV, LXVI, LXVII, LXVIII, LXIX, LXX, LXXV, LXXVII, and LXXXVI, of this Regulation, to a fine not exceeding fifty rupees.

Fines or penalties adjudged under this Regulation commutable to imprison-

CX. Whenever a penalty or fine may be adjudged against any person under the provisions of this Regulation, it shall be competent to the officer or authority

ment according to ſpecified ſcale.

adjudging the same, in case the amount be not discharged, to award a period of imprisonment in commutation, according to the following scale, in addition to such imprisonment as such officer or authority may be especially empowered to adjudge.

If the amount of the fine or penalty do not exceed fifty rupees,—

The term of imprisonment to be awarded in commutation shall not be less than fifteen days, and not more than one month.

If the amount of the fine or penalty exceed fifty or be less than one hundred rupees,—

The term of imprisonment to be awarded in commutation shall not be less than one month, and not more than two months.

If the amount of the fine or penalty exceed one hundred rupees, and be not more than rupees five hundred,—

The term of imprisonment to be awarded in commutation shall not be less than two months, and not more than four months.

If the amount of the fine or penalty exceed five hundred rupees,—

The term of imprisonment to be awarded in commutation shall not be less than four months, and not more than six months.

Salt agents and ſuperintendents how to proceed with perſons who may not pay fines adjudged againſt them not exceeding fifty rupees.

CXI. In cases in which a salt agent or superintendent of salt chokies shall adjudge any person to pay a fine not exceeding fifty rupees, if the fine be not immediately paid, he shall send the party to the Judge of the zillah or city within the jurisdiction of which the offence may have been committed, with a roobakaree stating the purport of the order passed against the person in question, and the Judge shall, on those grounds, give the necessary directions for the execution of the order in the manner prescribed for the execution of orders and decrees of Court, and shall transmit the fine when levied to the treasury of the agent, or superintending officer of salt chokies; provided that in all such cases the roobakarree of the salt agent or superintendent of salt chokies, shall specify the period of imprisonment to which the party shall be subject, in the event of the fine adjudged by them not being paid.

In what caſes the final reward to be paſſed by the judge.

CXII. In all cases in which the quantity of salt proposed to be confiscated shall exceed twenty maunds, or in which the salt agents or superintendents of salt chokies shall consider any person liable to pay a fine exceeding fifty rupees, he shall send his proceedings to the Judge of the zillah or city in which the offence may have been committed, or the salt seized, in order that the final award may be made by that authority. The parties in such cases shall, if declared by the judgment of the salt agent or superintendent to be liable to any specific fine or term of imprisonment, be sent over under custody of peons, and the Judge shall on their arrival pass such order for the holding them to bail, or otherwise securing their being in attendance, to abide the final award, as he may deem proper.

Such caſes to be brought to an early hearing, judge how to proceed.

CXIII. It shall be the duty of the Judge to have every case so forwarded to him by the salt officers brought to a hearing on the first day of his holding the Civil Court, after the arrival of the proceedings and parties; and after having duly considered the proceedings of the salt agent and superintendent, and heard any thing the party may desire to urge in his defence, the Judge shall be competent to pass an immediate order, either confirming the award of the salt officers (if the investigation on which the same may be founded shall appear to him complete, and the award passed thereon just and proper), or modifying the said award (in case of any irregularity appearing on the face of it), or reversing it (if in his opinion contrary to or not supported by the evidence and facts of the case as borne on the proceedings), or to institute a fresh investigation, and summon any further evidence, or to direct the re-attendance of the witnesses previously examined, as well as to call for any explanations from the officers or parties concerned that he may deem necessary.

The award of the judge to be final, in what caſes.

CXIV. If the matter of action or amount of fine adjudged in any case so sent over by the salt officers shall not exceed the sum of five hundred rupees, or if the quantity of salt in jeopardy shall not exceed two hundred maunds of eighty-two sicca weight to the seer, any award passed by a Civil Judge under the preceding Section shall be final and conclusive, and subject to no appeal whatever. If the fine adjudged exceed five hundred rupees, or if the quantity of salt under question exceed two hundred maunds, an appeal shall lie to the Provincial Court on the

Appeal open to the provincial court in what caſes, and in what form.

application

application of any party interested, or of the salt officers on the part of Government, such appeal to be brought forward by common motion in the Court and to be decided thereupon: provided however, that no such appeal shall be received, unless the application be preferred within the period of six weeks from the date of the decision passed by the zillah or city Judge.

Judge how to proceed after passing his award.

CXV. Whenever any award may be passed by any zillah Judge under the rules of Section CXIII, the Judge shall, if the offence charged be established, proceed to levy the fine or fines, and to commit the parties to gaol in pursuance thereto, under the general rules of the Regulations for the realizing of fines and executing decrees and orders of Court. The Judge shall further communicate to the salt agent or superintendent, whom it may concern, a copy of his final order with as little delay as possible, in order that any salt that may be held under attachment may be dealt with accordingly; provided however, that in any case in which an appeal may be preferred to a Provincial Court, against the decision of a zillah or city magistrate, if the party by whom such appeal may be lodged shall tender sufficient security for the performance of the order of the Provincial Court, the zillah or city Judge shall suspend the execution of his decision, and shall instruct the salt agent or superintendent to keep in deposit the salt which may have been adjudged contraband, until the final award of the Provincial Court be passed. In all such cases it shall likewise of course be competent to the Provincial Court to stay execution of the decree passed by the zillah or city Judge, or to direct the officers in the salt department to keep in deposit the salt which may have been condemned, or the fine realized by the Zillah or City Court.

Parties who may be acquitted by the judge, to be set at large; and salt adjudged not to be contraband, to be released.

Proviso.

CXVI. If the award of the Civil Judge shall acquit the parties charged, or adjudge any salt under attachment not to be contraband, the parties shall immediately be released, and the attachment taken off; provided however, that in case the quantity of salt under question shall amount to or exceed two hundred maunds, and an appeal should be lodged or proposed to be lodged by any party interested, the attachment of such salt shall not be taken off, until it shall be seen whether any appeal be so lodged, and what may be the award thereon; but if no appeal be lodged by any party within one month, attachment shall not continue longer.

General power vested in the board to remit any portion of fines or penalties imposed under certain Sections of this Regulation.

CXVII. *First.*—In all cases in which any salt may be forfeited to Government under the rules contained in this Regulation, or in which any person may have been subjected to any of the penalties prescribed in Sections XXXI, XXXIII, XXXIV, XXXVI, XXXVIII, XL, XLI, XLII, XLIII, XLV, XLVI, XLVII, XLVIII, XLIX, L, LI, LIII, LIV, LV, LXVI, LXVII, LXVIII, LXIX, LXX, LXXV, LXXVII, and LXXXVI, of this Regulation, whether the final order shall have been passed by a court of judicature, or by a salt agent or superintendent of salt chokies, it shall be competent to the Board of Customs, Salt and Opium, on application from the party, to call for a report of the circumstances of the case from the salt agent or superintendent by whom it may have been in the first instance investigated, in the manner heretofore practised in respect to seizure made by those officers, and to remit any portion of the fine or penalty which may have been imposed.

Under certain circumstances salt agents and superintendents, with the sanction of the board, may pass final judgment in cases of larger amount.

Second.—Provided also, that if in any case the salt agent or superintendent of salt chokies shall not deem it necessary to levy the full amount of the fine to which the party offending may be liable under this Regulation, and the said party shall submit himself by a written ikrarnamah to the decision of the salt agent or superintendent, and shall pray to have judgment passed by those officers without reference to the Courts of Judicature, then and in that case it shall be competent to the salt agent or superintendent, with the sanction of the Board of Customs, Salt and Opium, previously obtained, to pass a final judgment in the case, whatever may be the quantity of salt or amount of fine.

Rewards to be regulated by the value of property confiscated, or of fines actually realized.

Third.—Provided also, that the amount of rewards to be received by informers and the subordinate officers of Government, under the rules contained in this Regulation, shall in all cases be regulated by the value of the salt or other property actually confiscated to Government, or the amount of fine realized.

Fines levied by judge to be remitted to salt agents or superintendents.

CXVIII. All fines which may be levied by any Judge of a Zillah or City Court, shall on realization be immediately remitted to the salt agent or superintendent of salt chokies, by whom the case may, in the first instance, have been investigated. The superintendents and salt agents shall be guided in the distribution and pay-

ment of the rewards, to which informers and subordinate officers of Government may be entitled under the rules contained in this Regulation, by such general or special orders as they may receive from the Board of Customs, Salt and Opium.

Applications for remission of fines to be written on stamped paper.

CXIX. *First.*—All applications preferred to the Board of Customs, Salt and Opium, for a remission or mitigation of any fine or penalty imposed by a salt agent or superintendent, or by a court of judicature, shall be written on stamped paper, the value of which shall be regulated as follows:

Value of stamped paper to be used.

Second.—In cases in which the quantity of salt adjudged contraband shall not exceed twenty maunds, or the amount of the fine imposed fifty sicca rupees, the petition to the Board shall be written on stamped paper of the value of two rupees.

Ditto ditto.

Third.—If the quantity of salt be more than twenty maunds, and do not exceed one hundred maunds, or if the fine imposed be more than fifty rupees, and do not exceed rupees two hundred and fifty, the petition shall be written on stamped paper of the value of four rupees.

Ditto ditto.

Fourth.—If the quantity of salt be more than maunds one hundred, and do not exceed two hundred maunds, or if the fine imposed be more than two hundred and fifty rupees, and do not exceed five hundred rupees, the petition shall be written on stamped paper of the value of six rupees.

Ditto ditto.

Fifth.—If the quantity of salt exceed two hundred maunds, or the fine imposed five hundred rupees, the petition to the Board shall be written on stamped paper of the value of eight rupees.

Power of acquittal and release vested in salt agents and superintendents.

Subject to proviso.

CXX. Salt agents and superintendents of salt chokies shall be authorized in all cases in which they may consider any charge preferred before them not to be substantiated, to acquit the party accused, and to release the salt or other article which may have been seized: provided however, that if the party accused be an officer in the salt department, it shall be competent to the Board of Customs, Salt and Opium, at any time within three months of the date on which the order of the salt agent or superintendent may have been passed, notwithstanding such acquittal, to direct the superintendent or salt agent to transmit his proceedings to the zillah or city Judge, and the Judge shall proceed to investigate and decide on the case in the same manner as is above prescribed for cases referred to the Court under the Rules of Section CXII, of this Regulation.

Persons sentenced to imprisonment under this Regulation to be imprisoned in the dewanny gaol.

CXXI. All persons sentenced to imprisonment under the provisions of this Regulation, and all persons confined for non-payment of the fines to which they may be liable, shall be confined exclusively in the Dewanny gaol.

Informers liable to what penalties for vexatious and unwarranted complaints.

CXXII. In the event of any charge being preferred against a person under the rules of this Regulation, and of it appearing on investigation before the salt agent or superintendent of salt chokies, that the inquiry originated in malice, or in motives clearly vexatious and unwarranted on the part of the informant, it shall be competent for the salt agent or superintending officer of salt chokies to order such informant to discharge the amount of any diet money which may have been paid to the witnesses, and to pay to the party aggrieved damages not exceeding five hundred rupees, as may appear reasonable, or to be confined for a period not exceeding six months. Orders passed under this rule shall be enforced in the same manner as other fines imposed under the provisions of this Regulation.

Reports to be furnished periodically to the board of customs, salt and opium.

CXXIII. It shall be the duty of the Board of Customs, Salt and Opium, to require from the officers under their control, such periodical reports or returns regarding the judgments passed by them, and generally in respect to their discharge of the duty entrusted to them under the provisions of this Regulation, as may appear to that Board best calculated to secure regularity of proceedure, and as may enable the Board to judge whether the inquiries held by those officers on the trial of the cases cognizable by them, are duly and speedily conducted, and whether the parties implicated have been exposed to any inconvenience or hardship which might have been avoided; and it shall be competent to the Board to call for and examine the proceedings of the salt agent or superintending officer of chokies whenever they may judge it necessary or proper to do so.

Powers vested in persons officiating as agents and superintendents.

CXXIV. Whatever judicial powers are declared by this Regulation to be vested in salt agents, and superintending officers of chokies, shall be considered to be likewise vested in all persons appointed to officiate in and exercise the functions of those officers

officers for the time being, and the same powers are hereby declared to be conferred upon the respective assistants of such salt agents and superintending officers of chokies, such assistants being covenanted servants of the Honourable Company, and having been two years in the public service, in cases referred to them for inquiry by their official superiors: provided however, that in all cases in which such investigations may be delegated by salt agents or superintending officers of salt chokies to their assistants, the final roobukarree recorded by those officers shall be submitted for the approval of the salt agents or superintending officers of salt chokies, who shall be competent to confirm, alter or reverse the judgment therein contained, and no decision passed by the said assistants in such cases shall be carried into effect, until the agent or superintending officer of chokies aforesaid shall have confirmed the same, under his official seal and signature.

Also in the covenanted affiſtants.

Subject to the reviſion and final orders of their ſuperiors.

CXXV. It is hereby provided, that it shall be competent to a salt agent or person exercising the functions of salt agent, with the previous sanction of the Board of Customs, Salt and Opium, to refer any informations or other matters, requiring judicial investigation regarding the illicit manufacture, sale, transit, or possession of salt, to the superintending officer of salt chokies, for investigation, whenever the more immediate duties of his office, as connected with the manufacture of salt, may occupy so much of his attention as to render it impracticable for him, without detriment to the public interest, to conduct the inquiry in person, or any circumstances may render it improper or inconvenient, to refer the investigation to his assistant; and the superintendent of chokies shall, in such cases, observe the same course of proceeding as in regard to suits or complaints originally preferred to himself.

Salt agents may refer certain caſes under this Regulation for inveſtigation by ſuperintendents.

CXXVI. If any disputes should arise between a salt agent, a superintending officer of chokies, or any officer of Government, and any person, on any matter relative to the manufacture, provision, transportation, sale, purchase or possession of salt, not provided for in this Regulation, either party is to be at liberty to apply for redress to the Courts of Civil Judicature, and the case shall be tried and decided upon under the general laws, regulations and usages ordinarily observed in the Civil Courts.

Caſes not provided for by this Regulation left to the ordinary jurisdiction of the courts of judicature.

APPENDIX.

No. 1.

Form of Proclamation referred to in Section CII, *of this Regulation.*

WHEREAS a complaint having been lodged against *A. B.* for suffering the illicit manufacture of salt on his estate, a notice of the same was issued on . requiring the said *A. B.* to attend within . days at this cutcherry, either in person or by vakeel, to answer to the charge preferred against him; and whereas the said *A. B.* has absented himself from his usual place of residence, so as to prevent the notice being served upon him, [or having received the notice, as the case may happen to be], has failed to attend agreeably to the requisition; proclamation is hereby made, that if the said *A. B.* does not appear in person, or by duly authorized mookhtar, on or before the case will be proceeded upon *ex parte*, and the award will be made in the same manner as if the defendant had appeared and answered to the charge.

No. 2.

Table of Fees to be paid by parties taking out Rowannahs, Renewed or Exchange Rowannahs, or Atrafee Rowannahs.

On Rowannahs, renewed or Exchange Rowannahs for Salt.

	Rs.	A.	P.
From 1 - to - 500 maunds - - - -	1.	0.	0.
- 501 - to - 1,000 ditto - - - -	1.	8.	0.
- 1,001 - to - 1,500 ditto - - - -	2.	8.	0.
- 1,501 - to - 2,000 ditto - - - -	3.	0.	0.

	Rs.	A.	P.
From 2,001 - to - 2,500 maunds - - - -	4.	0.	0.
- - 2,501 to - 3,000 ditto - - - -	4.	8.	0.
- - 3,001 - to - 3,500 ditto - - - -	5.	8.	0.
- - 3,501 - to - 4,000 ditto - - - -	6.	0.	0.
- - 4,001 - to - 4,500 ditto - - - -	7.	0.	0.
- - 4,501 - to - 5,000 ditto - - - -	7.	8.	0.
- - 5,001 - to - 5,500 ditto - - - -	8.	8.	0.
- - 5,501 - to - 6,000 ditto - - - -	9.	0.	0.
- - 6,001 - to - 6,500 ditto - - - -	10.	0.	0.
- - 6,501 - to - 7,000 ditto - - - -	10.	8.	0.
On every atrafee rowannah a fee of - - - -	0.	4.	0.

A. D. 1819. REGULATION XI.

A REGULATION for discontinuing the Coinage of the Benares Rupee; for declaring the Furruckabad Rupee the legal Currency of the province of Benares; for altering the Standard of the Furruckabad Rupee, and for defining the Rate at which that Rupee is to be received within the province of Benares:—Passed by the Governor General in Council on the 31st December 1819, corresponding with the 17th Poose 1226 Bengal Era; the 30th Poose 1227 Fussily; the 18th Poose 1227 Willaity; the 15th Poose 1878 Sumbut; and the 13th Rubbee-ul-awul 1235 Higeree.

Preamble.

THE existence of different local currencies in a country, subject to one common authority, must obviously impede that constant intercourse by which its several provinces are necessarily connected, and considerable inconvenience from that cause has been experienced in the intercourse between the several provinces subordinate to this Presidency. Great difficulties, however, oppose the immediate establishment of one currency throughout all those provinces. On the one hand, the Calcutta sicca rupee having been long established throughout the extensive provinces of Bengal, Behar and Orissa, all private engagements have been made in that coin; the land revenue payable by the zemindars, which (with partial exceptions) has been fixed in perpetuity throughout those provinces, as well as the whole of the registered debt of this country, are likewise expressed in the Calcutta rupee; any alteration in its value would therefore occasion great embarrassment and perplexity. On the other hand, the Furruckabad rupee forms the currency of the whole of the ceded and conquered Provinces, and the influence of any change in regard to it would be proportionably important and extensive. In it all payments on account of the public revenue within those provinces are received, and the pay of the troops and of all public establishments therein stationed is discharged, the price of articles of ordinary consumption has necessarily been regulated with reference to the local coin. If therefore the Calcutta sicca rupee were rendered the local currency of those provinces, while Government must of course allow to the zemindars an abatement in their revenue equivalent to the difference between the Calcutta and Furruckabad rupee, and would therefore be compelled to issue the former at its intrinsic value, the troops and other public establishments might be subject, temporarily at least, to considerable loss and inconvenience, by receiving payment in a coin that might not immediately bear its full value in the market, compared with articles of ordinary consumption. It has thence appeared necessary, for the present at least, to maintain the currencies now established in the provinces of Bengal, Behar and Orissa, and in the ceded and conquered Provinces respectively. The legal circulation of the Benares rupee is confined to a single province; that coin has long been issued to the troops and other public establishments as equivalent to the Furruckabad rupee. It circulates generally at par with that rupee when employed beyond the limits of the province of Benares, though exceeding it in value to the extent of two and a quarter per cent. The land revenue of Benares is indeed, like that of Bengal, Behar and Orissa, fixed in perpetuity; and any alteration in the nominal amount of the jumma, being likely to lead to serious misapprehension, Government deem it right, in introducing into Benares the inferior currency of the Western Provinces, to relinquish the claim which they might in strictness assert to the difference

difference between the two rupees, rather than to give the slightest occasion for any doubt or alarm in regard to the stability of an arrangement guaranteed by the public faith. The amount however of the land revenue in question is comparatively limited, and the public advantage likely to result from a simplification of the currencies of those provinces, appears to counterbalance the partial loss which Government must sustain in receiving the Furruckabad rupee at par with the Benares rupee; the adjustment of private engagements in a single province will be comparatively easy, and while the community will be saved from the loss which they have heretofore sustained, whenever they carried the Benares rupee beyond the limits of that province, the difference between the two coins amounting only to two and a quarter per cent. will have little or no perceptible influence on the market price of articles consumed by the lower orders of the people, more especially since the value of the two rupees in copper money has for some time past been equalized. It appears therefore that the discontinuance of the coinage of the Benares rupee, while it will greatly simplify the monetary system of this Presidency, and will otherwise essentially promote the trade and general prosperity of the country, will be attended with little inconvenience, and that only temporary and partial. The Governor General in Council has accordingly resolved to limit the legal currencies in the territories subordinate to this Presidency to two, namely, the Calcutta and the Furruckabad rupee. With the view of still further simplifying the system of coinage in the said territories, and of facilitating the conversion of the above-mentioned currencies, the one into the other, it has been also determined to reduce them to one general standard; so that, though differing in intrinsic value, yet as they will contain the same proportions of pure metal and alloy, no charge for refinage, nor for the trouble of adjusting the standard, will be incurred in the coinage of the one currency into the other. To give effect to the above arrangements, and at the same time to fix the rate at which the Furruckabad rupee is to be received in the province of Benares, in liquidation of existing engagements between individuals, the following Rules have been enacted by the Governor General in Council, to be in force from the date of their promulgation.

The coinage of the Benares rupee discontinued.

II. The coinage of the Benares rupee shall be discontinued from the date of this Regulation.

The Furruckabad rupee declared to be the legal currency of Benares.

III. The Furruckabad rupee shall be considered the legal currency of the province of Benares.

Such rupee to be a legal tender in all places under this Presidency, with exception to Bengal, Behar and Oriſſa.

IV. The Furruckabad rupee shall be a legal tender in all the territories under the Bengal Government, with the exception of Bengal, Behar and Orissa, whether struck at the mints of Calcutta, Benares or Furruckabad, or at any other mint that may be hereafter established within the aforesaid limits, under the authority of the British Government.

Specification of the value and ſtandard of the new Furruckabad rupee.

V. The Furruckabad rupee to be struck at any of the mints before-mentioned shall be of the value of the present Furruckabad rupee, and of the standard of the present Calcutta rupee; that is to say, it shall be of the following weight and fineness:

Weight	Troy Grains	180,234
Pure Silver	—	165,215
Alloy	—	15,019

Being 11-12th pure, and 1-12th alloy.

Rates of charge for coining bullion.

VI. Individuals bringing bullion for coinage into the new Furruckabad rupee, to either of the mints above specified, shall have it so coined, agreeably to the rates of charge and produce stated in the accompanying table.

Rate of charge on the re-coinage of rupees.

VII. Individuals bringing to the same mints, Calcutta, Benares or Furruckabad rupees, either of the old or new coinage, but coined at one of the Honourable Company's mints, shall have them converted into the new Furruckabad rupee, at a total charge of no more than one per cent.

At what rate Government engage to receive and pay the old and new Furruckabad rupee, in the province of Benares.

VIII. Government will receive Furruckabad rupees of the old or new standard, at par with the present Benares rupee, in payment of the land revenue, and in liquidation of all other public demands, and will pay them at the same valuation within the province of Benares.

The preceding rule declared inapplicable in certain cases.

IX. The preceding rule shall not apply to bills payable in Benares rupees, and drawn previously to the 1st March 1820, nor to sums due to individuals under specific engagements in Benares rupees, contracted previously to that date.

All money engagements in Benares entered into after the 1st March 1820, to be expressed and paid in Furruckabad rupees.

X. Bonds or other engagements, and all agreements, written or verbal, which may be entered into within the province of Benares after the 1st March 1820, shall be expressed in Furruckabad rupees, and if any such deed or agreement shall stipulate for the payment of Benares rupees, such stipulation shall not be enforced by the Courts of Judicature, but the amount shall be payable in Furruckabad rupees, at par with the Benares rupee.

Rate at which payments are to be made when engagements are dated prior to the 1st March 1820.

XI. With regard to engagements entered into previously to the 1st of March next, the Furruckabad rupee shall be held a legal tender, at the rate of 102¼ Furruckabad rupees for 100 Benares rupees.

Former rules, if not rescinded by this Regulation, to remain in force.

XII. All the rules affecting the coinage of the mints of Benares and Furruckabad, which are not abrogated by the foregoing enactments, shall continue in force.

TABLE of the Produce of Silver Bullion in the Furruckabad Mint, commencing the 2d October 1819.

New Standard.	Decimal Addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Fd. Rs.	Duty of 2 per Cent. on Coinage.	Net Produce Fd. Rupees.
Duts.							
20 Br.	9.091	- -	- -	109.091	104.712	2.094	102.618
19½ Br.	8.864	- -	- -	108.864	104.495	2.090	102.405
19 Br.	8.636	- -	- -	108.636	104.276	2.086	102.190
18½ Br.	8.409	- -	- -	108.409	104.058	2.081	101.977
18 Br.	8.182	- -	- -	108.182	103.840	2.077	101.763
17½ Br.	7.955	- -	- -	107.955	103.622	2.072	101.550
17 Br.	7.727	- -	- -	107.727	103.403	2.068	101.335
16½ Br.	7.500	- -	- -	107.500	103.185	2.064	101.121
16 Br.	7.273	- -	- -	107.273	102.967	2.059	100.908
15½ Br.	7.045	- -	- -	107.045	102.749	2.055	100.694
15 Br.	6.818	- -	- -	106.818	102.531	2.051	100.480
14½ Br.	6.591	- -	- -	106.591	102.313	2.046	100.267
14 Br.	6.364	- -	- -	106.364	102.095	2.042	100.053
13½ Br.	6.136	- -	- -	106.136	101.876	2.038	99.838
13 Br.	5.909	- -	- -	105.909	101.658	2.033	99.625
12½ Br.	5.682	- -	- -	105.682	101.440	2.029	99.411
12 Br.	5.455	- -	- -	105.455	101.222	2.024	99.198
11½ Br.	5.227	- -	- -	105.227	101.004	2.020	98.984
11 Br.	5.000	- -	- -	105.000	100.786	2.016	98.770
10½ Br.	4.773	- -	- -	104.773	100.568	2.011	98.557
10 Br.	4.545	- -	- -	104.545	100.349	2.007	98.342
9½ Br.	4.318	- -	- -	104.318	100.131	2.003	98.128
9 Br.	4.091	- -	- -	104.091	99.913	1.998	97.915
8½ Br.	3.864	- -	- -	103.864	99.695	1.994	97.701
8 Br.	3.636	- -	- -	103.636	99.476	1.990	97.486
7½ Br.	3.409	- -	- -	103.409	99.259	1.985	97.274
7 Br.	3.182	- -	- -	103.182	99.041	1.981	97.060
6½ Br.	2.955	- -	- -	102.955	98.823	1.976	96.847
6 Br.	2.727	- -	- -	102.727	98.604	1.972	96.632
5½ Br.	2.500	- -	- -	102.500	98.386	1.968	96.418
5 Br.	2.273	- -	- -	102.273	98.168	1.963	96.205
4½ Br.	2.045	- -	- -	102.045	97.949	1.959	95.990
4 Br.	1.818	- -	- -	101.818	97.731	1.955	95.776
3½ Br.	1.591	- -	- -	101.591	97.513	1.950	95.563
3 Br.	1.364	- -	- -	101.364	97.296	1.946	95.350
2½ Br.	1.136	- -	- -	101.136	97.077	1.942	95.135
2 Br. Eng. Std.	0.909	- -	- -	100.909	96.859	1.937	94.922
1½ Br.	0.682	- -	- -	100.682	96.641	1.933	94.708
1 Br.	0.455	- -	- -	100.455	96.423	1.928	94.495
½ Br.	0.227	- -	- -	100.227	96.204	1.924	94.280
Standard	- - -	- -	- -	100.000	95.986	1.920	94.066
½ W.	0.227	- -	227	99.773	95.768	1.915	93.853
1 W.	0.455	- -	455	99.545	95.550	1.911	93.639
1½ W.	0.682	- -	682	99.318	95.332	1.907	93.425
2 W.	0.909	- -	909	99.091	95.114	1.902	93.212
2½ W.	1.136	- -	1.136	98.864	94.896	1.898	92.998
3 W.	1.364	- -	1.364	98.636	94.677	1.894	92.783
3½ W.	1.591	- -	1.591	98.409	94.459	1.889	92.570
4 W.	1.818	- -	1.818	98.182	94.241	1.885	92.356
4½ W.	2.045	- -	2.045	97.955	94.023	1.880	92.143
5 W.	2.273	- -	2.273	97.727	93.805	1.876	91.929
5½ W.	2.500	- -	2.500	97.500	93.587	1.872	91.715
6 W.	2.727	- -	2.727	97.273	93.369	1.867	91.502
6½ W.	2.955	297	3.252	96.748	92.865	1.857	91.008

New Standard.	Decimal Addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Fd. Rs.	Duty of 2 per Cent. on Coinage.	Net Produce Fd. Rupees.
Dwts.							
7 W.	3.182	445	3.627	96.373	92.505	1.850	90.655
7 ½ W.	3.409	592	4.001	95.999	92.146	1.843	90.303
8 W.	3.636	744	4.380	95.620	91.782	1.836	89.946
8 ½ W.	3.864	901	4.765	95.235	91.413	1.828	89.585
9 W.	4.091	1.058	5.149	94.851	91.044	1.821	89.223
9 ½ W.	4.318	1.064	5.382	94.618	90.820	1.816	89.004
10 W.	4.545	1.072	5.617	94.383	90.595	1.812	88.783
10 ½ W.	4.773	1.078	5.851	94.149	90.370	1.807	88.563
11 W.	5.000	1.088	6.088	93.912	90.143	1.803	88.340
11 ½ W.	5.227	1.100	6.327	93.673	89.913	1.798	88.115
12 W.	5.455	1.112	6.567	93.433	89.683	1.794	87.889
12 ½ W.	5.682	1.125	6.807	93.193	89.453	1.789	87.664
13 W.	5.909	1.138	7.047	92.953	89.222	1.784	87.433
13 ½ W.	6.136	1.150	7.286	92.714	88.993	1.780	87.213
14 W.	6.364	1.161	7.525	92.475	88.763	1.775	86.988
14 ½ W.	6.591	1.173	7.764	92.236	88.534	1.771	86.763
15 W.	6.818	1.186	8.004	91.996	88.304	1.766	86.538
15 ½ W.	7.045	1.196	8.241	91.759	88.076	1.762	86.314
16 W.	7.273	1.208	8.481	91.519	87.846	1.757	86.089
16 ½ W.	7.500	1.220	8.720	91.280	87.616	1.752	85.864
17 W.	7.727	1.233	8.960	91.040	87.386	1.748	85.638
17 ½ W.	7.955	1.250	9.205	90.795	87.151	1.743	85.408
18 W.	8.182	1.268	9.450	90.550	86.916	1.738	85.178
18 ½ W.	8.409	1.287	9.696	90.304	86.679	1.734	84.945
19 W.	8.636	1.305	9.941	90.059	86.444	1.729	84.715
19 ½ W.	8.864	1.321	10.185	89.815	86.210	1.724	84.486
20 W.	9.091	1.339	10.430	89.570	85.975	1.720	84.225
20 ½ W.	9.318	1.357	10.675	89.325	85.740	1.715	84.025
21 W.	9.545	1.373	10.918	89.082	85.507	1.710	83.797
21 ½ W.	9.773	1.404	11.177	88.823	85.258	1.705	83.553
22 W.	10.000	1.434	11.434	88.566	85.011	1.700	83.311
22 ½ W.	10.227	1.466	11.693	88.307	84.763	1.695	83.068
23 W.	10.455	1.496	11.951	88.049	84.515	1.690	82.825
23 ½ W.	10.682	1.526	12.208	87.792	84.268	1.685	82.583
24 W.	10.909	1.555	12.464	87.536	84.023	1.680	82.343
24 ½ W.	11.136	1.585	12.721	87.279	83.766	1.676	82.100
25 W.	11.364	1.615	12.979	87.021	83.528	1.671	81.857
25 ½ W.	11.591	1.649	13.240	86.760	83.278	1.666	81.612
26 W.	11.818	1.683	13.501	86.499	83.027	1.661	81.366
26 ½ W.	12.045	1.717	13.762	86.238	82.777	1.656	81.121
27 W.	12.273	1.751	14.024	85.976	82.525	1.651	80.874
27 ½ W.	12.500	1.800	14.300	85.700	82.260	1.645	80.615
28 W.	12.727	1.850	14.577	85.423	81.994	1.640	80.354
28 ½ W.	12.955	1.900	14.855	85.145	81.728	1.635	80.093
29 W.	13.182	1.950	15.132	84.868	81.462	1.629	79.833
29 ½ W.	13.409	2.010	15.419	84.581	81.186	1.624	79.562
30 W.	13.636	2.068	15.704	84.296	80.913	1.618	79.295
30 ½ W.	13.864	2.128	15.992	84.008	80.636	1.613	79.023
31 W.	14.091	2.183	16.274	83.726	80.366	1.607	78.759
31 ½ W.	14.318	2.240	16.558	83.442	80.093	1.602	78.491
32 W.	14.545	2.296	16.841	83.159	79.821	1.596	78.225
32 ½ W.	14.773	2.349	17.122	82.878	79.552	1.591	77.961
33 W.	15.000	2.398	17.398	82.602	79.287	1.586	77.701
33 ½ W.	15.227	2.444	17.671	82.329	79.025	1.581	77.444
34 W.	15.455	2.485	17.940	82.060	78.766	1.575	77.191
34 ½ W.	15.682	2.511	18.193	81.807	78.524	1.570	76.954
35 W.	15.909	2.536	18.445	81.555	78.282	1.566	76.716
35 ½ W.	16.136	2.560	18.696	81.304	78.041	1.561	76.480
36 W.	16.364	2.583	18.947	81.053	77.800	1.556	76.244
36 ½ W.	16.591	2.605	19.196	80.804	77.561	1.551	76.010
37 W.	16.818	2.626	19.444	80.556	77.323	1.546	75.777
37 ½ W.	17.046	2.646	19.692	80.308	77.085	1.542	75.543
38 W.	17.273	2.665	19.938	80.062	76.849	1.537	75.312
38 ½ W.	17.500	2.683	20.183	79.817	76.613	1.532	75.081
39 W.	17.727	2.700	20.427	79.573	76.379	1.528	74.851
39 ½ W.	17.955	2.716	20.671	79.329	76.145	1.523	74.622
40 W.	18.182	2.731	20.913	79.087	75.913	1.518	74.395

II.

REGULATIONS

Passed by the Governor in Council of *Fort St. George*, in the Year 1819.—No. I. to VIII.

A. D. 1819. REGULATION I.

A REGULATION for rescinding Section IX, Regulation XXVI, 1802, and vesting in the Board of Revenue a discretionary power to fix in perpetuity the amount of the public assessment upon subdivisions of Estates, liable to a proportion of the permanent Land-tax, less than the sum of five hundred star pagodas per annum; for rendering the permanent alienation, transfer or sale of Subdivisions thus assessed valid in the Courts of Adawlut; and for preventing fraud, corruption or error, in the distribution of the Public Assessment upon Landed Property in general:—Passed by the Governor in Council of Fort St. George, on the 19th January 1819; corresponding with the 8th Tye of the year Bahoodauneah, 1740th year of Salewahan; and with the 21st Rabulavel, 1234 Hijeree.

Preamble.

WHEREAS Section IX, Regulation XXVI, 1802, directs that "no portion of a divided estate shall bear a less proportion of the permanent land tax-than the sum of five hundred pagodas," and that "where estates may be divided into portions, charged with a sum less than five hundred pagodas per annum, such separation of lands shall not be valid in the Adawlut," but "the proprietor of the estate before such division shall continue to be liable for the entire amount of the permanent land-tax, in the same manner as if the separation had not been made;" and whereas these provisions are considered impolitic and inexpedient, as impeding the free subdivision of zemindary property and checking improvement, by rendering the tenure by which such portions of land can be held, dependent on the punctual discharge of the public jummah on the entire estate by the existing zemindar, and as thus opposing obstacles to the free transfer, subdivision, improvement and security of such property; and whereas it is thought that these enactments, intended originally to facilitate the realization of the land revenue, may be modified, in such a manner, as to be productive of material benefit, without seriously impeding or obstructing the collection of the public revenue; and whereas it has been deemed expedient to guard the public against the loss to which it is exposed from fraud, corruption or error, in the distribution of the public assessment upon landed property in general: wherefore the Governor in Council has been pleased to enact this Regulation, to take effect from and after the date of its promulgation.

Section IX, Regulation XXVI, 1802, rescinded; zemindaries may be subdivided into portions not less than one village or dependent hamlet, provided the public revenue be duly assesed thereon.

II. Section IX, Regulation XXVI, 1802, is hereby rescinded; and a zemindary or landed estate may be divided into portions of not less than one entire village, or dependent hamlet, with defined boundaries, charged with a proportion of the permanent land-tax less than five hundred pagodas per annum; but such separation of lands shall not be valid in the Courts of Adawlut, unless the amount of the permanent land-tax assessed thereon shall have been fixed by the collector, according to the other rules contained in the Regulation above-mentioned, and confirmed by the authority of the Board of Revenue, signified in writing.

The confirmation of such subdivisions discretionary with the board of revenue, and without it they cannot take place.

III. The Board of Revenue shall be at liberty to grant, or withhold, their confirmation in respect to any subdivision the assessment on which may be less than five hundred pagodas per annum; when the Board of Revenue may confirm assessments referred to in the preceding Section, the zemindar shall be at full liberty,

by

by sale, gift and otherwise, to alienate or transfer, in perpetuity, all his rights in such subdivisions; but if the Board of Revenue shall withhold or refuse their confirmation to the proposed subdivisions, the separation of the lands shall not take place.

On proof within ten years of any fraud or error in apportioning the public revenue on subdivisions of a zemindary, Government may direct a re-allotment thereof.

IV. Should it be proved to the satisfaction of the Governor in Council that any fraud or material error has been committed in apportioning the permanent assessment on lands divided into two or more distinct estates under the provisions of Regulation XXVI, 1802, or under the provisions contained in this Regulation, it shall be competent to the Governor in Council from and after the promulgation of this Regulation, within the term of ten years, subsequent to the period at which such division or allotment may have been made, to order the land-tax to be apportioned anew on the principles laid down in the existing Regulations.

The period from which the ten years are to be calculated.

V. The period of years mentioned in the preceding Section shall be calculated from the date on which the partition of the lands and allotment of the land-tax may have received the written confirmation of the Board of Revenue.

A. D. 1819. REGULATION II.

A REGULATION for the confinement of State Prisoners:—Passed by the Governor in Council of Fort St. George on the 4th March 1819; corresponding with the 23d Mausee of the year Bahoodaneah, 1740th year of Saliwahan; and with the 7th Jamadelavel, 1234 Hijeree.

Preamble.

WHEREAS reasons of state policy occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper; and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken should proceed immediately from the authority of the Governor in Council; and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor in Council all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed; and whereas the ends of justice also require, that due attention be paid to the health of every state prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family; and whereas the reasons above declared sometimes render it necessary that the estates and lands of zemindars, talookdars and others, situated within the territories dependent on the Presidency of Fort St. George, should be attached and placed under the temporary management of the revenue authorities, without having recourse to any judicial proceeding; and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals whose estates may be so attached under the direct authority of Government: the Governor in Council has enacted the following Rules, which are to take effect throughout the provinces, immediately subject to the Presidency of Fort St. George, from the date on which they may be promulgated.

Mode of proceeding for placing individuals under restraint as state prisoners.

II. *First.*—When the reasons, stated in the preamble of this Regulation, may seem to the Governor in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor in Council, and under the hand of the Chief Secretary or of one of the secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Form of warrant to be issued.

Second.—The warrant of commitment shall be according to the form prescribed in the Appendix to this Regulation.

Such warrant to be sufficient authority for the detention of any ſtate priſoner.

Third.—The warrant of commitment shall be sufficient authority for the detention of any state prisoner in any fortress, gaol or other place within the territories subject to the Presidency of Fort St. George.

Officers in whoſe cuſtody ſtate priſoners may be placed, to ſubmit to Government periodical reports.

III. Every officer in whose custody any state prisoner may be placed shall, on the 1st of January and 1st of July of each year, submit a report to the Governor in Council, through the Chief Secretary to Government, on the conduct, the health and the comfort of such state prisoner, in order that the Governor in Council may determine whether the orders for his detention shall continue in force, or shall be modified.

State priſoners in the cuſtody of the zillah criminal judge to be viſited by the judge of circuit at the ſeſſions.

IV. *First.*—When any state prisoner is in the custody of a Zillah Criminal Judge, the Judges of Circuit are to visit such state prisoner on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the state prisoner which may appear to them advisable, provided they be not inconsistent with the orders of the Governor in Council issued on that head.

State priſoners in cuſtody of a public officer not being a zillah criminal judge, to be viſited by ſuch perſon as may be nominated by Government for the duty.

Second.—When any state prisoner is placed in the custody of any public officer, not being a Zillah Criminal Judge, the Governor in Council will instruct either the Criminal Judge, or the Judge of Circuit, or any other public officer not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government regarding the health and treatment of such prisoner.

Repreſentations which may be made by ſtate priſoners to be ſubmitted to Government.

V. The officer, in whose custody any state prisoner may be placed, is to forward with such observations as may appear necessary, every representation which such state prisoner may from time to time be desirous of submitting to the Governor in Council.

Early report to be made to Government regarding the nature of the confinement, the health and the allowances granted to ſtate priſoners.

VI. Every officer, in whose custody any state prisoner may be placed, shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor in Council whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family according to their rank in life.

The allowance fixed for the ſupport of a ſtate priſoner, to be duly appropriated to that object.

VII. Every officer, in whose custody any state prisoner may be placed, shall take care that the allowance fixed for the support of such state prisoner is duly appropriated to that object.

The proviſions contained in Sections III, to VII, of the preſent Regulation, applicable to all perſons who are now confined as ſtate priſoners.

VIII. The provisions contained in Sections III, IV, V, VI, and VII, of this Regulation, are hereby declared to be applicable to all persons who are now confined as state prisoners under the authority of Government within the territories subject to the Presidency of Fort St. George.

Rules for the attachment of eſtates or lands by the orders of Government without a previous deciſion of a court of juſtice.

IX. Whenever the Governor in Council, for the reasons declared in the Preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zemindar, jagheerdar, talookdar or other person, without any previous decision of a court of justice or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the secretaries to Government, to the Judge of the district in which the lands or estates may be situated, to the Provincial Court of Appeal and Circuit, and to the Sudder and Foujdarry Adawlut.

Lands or eſtates ſo attached to be placed under the management of the officers of Government in the revenue department.

X. *First.*—The lands or estates which may be so temporarily attached shall be held under the management of the officers of Government in the revenue department, and the collections shall be made and adjusted on the same principles as those of other estates held under khas management.

And not liable to be ſold on account of decrees of the civil courts or otherwiſe, while under attachment.

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

The Government will make ſuch arrangement as may be proper for the ſatisfaction of the decrees of the civil courts in ſuch inſtances.

Third.—In the cases mentioned in the preceding Clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

XI. Whenever

XI. Whenever the Governor in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections, during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate which may have accumulated during the attachment.

Rules to be observed in cases where Government may order the release of an estate from attachment.

APPENDIX.

Form of Warrant of Commitment.

To the [here insert the officer's designation.]

WHEREAS the Governor in Council, for good and sufficient reasons, has seen fit to determine that [here insert the state prisoner's name] shall be placed under personal restraint at [here insert the name of the place], you are hereby required and commanded, in pursuance of that determination, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor in Council, and the provisions of Regulation II, of 1819.

Fort St. George, the

By order of the Governor in Council,

A. B.

Chief Sec. to Govt.

A. D. 1819. REGULATION III.

A REGULATION to provide more effectually for the punishment of extortion, oppression or other abuse of authority on the part of the Native Officers of Police:—Passed by the Governor in Council of Fort St. George on the 9th March 1819; corresponding with the 28th Mausee of the year Bahoodauneah, 1740th year of Salewahan; and with the 12th Jamadelavel, 1234 Hijeree.

WHEREAS instances have occurred of abuse of authority on the part of the native officers of police in which the penalties prescribed in Section XLIV, Regulation XI, of 1816, have been found to be inadequate to the aggravated nature of the offence; and whereas it has been deemed expedient to provide more effectually for the punishment of such acts: the following Rules have been enacted.

Preamble.

II. Sections XLIV, and XLV, Regulation XI, 1816, are hereby rescinded.

Certain Sections of Regulation XI, 1816, rescinded.

III. *First.*—For extortion, oppression or other abuse of authority, all native officers of police shall be liable to be sued in a Zillah Court, or to be prosecuted in a Court of Criminal Judicature.

Police officers liable to a civil action, or criminal prosecution for abuse of authority.

Second.—Whenever a charge of this nature may be preferred before a magistrate, and be proved by sufficient evidence to his satisfaction, he is hereby empowered to punish the offender by a fine not exceeding fifty Arcot rupees, or by imprisonment for a term not exceeding one month.

Extent to which police officers may be punished by a magistrate for abuse of authority.

Third.—In all cases wherein the measure of punishment, specified in the preceding Clause shall appear to be insufficient, the party accused shall be forwarded to the Criminal Judge, to be by him dealt with according to the provisions of the general Regulations.

Cases in which they are to be forwarded to the criminal judge.

A. D. 1819. REGULATION IV.

A REGULATION for determining the rate of Duty on Goods exported or imported by Sea, to or from any of the foreign European Settlements adjoining the Territories subject to the Presidency of Fort St. George:—Passed by the Governor in Council on the 10th April 1819; corresponding with the 30th Pungoonee of the year Bahoodauneah, 1740th year of Salewahan; and with the 14th Jamadeussany, 1234 Hijeree.

Preamble.

WHEREAS it is provided by Clause Second, Section IX, Regulation I, of 1812, that goods passing by land from the Company's territories into the settlements of foreign European nations, or from such settlements into the Company's territories, shall be subject to the same duty to which they would have been liable if they had been exported or imported on foreign vessels by sea: and whereas it has been expedient for the better encouragement and protection of British Indian trade to impose a like duty on goods exported or imported by sea to or from any foreign European settlement, adjoining the territories subject to the Presidency of Fort St. George; the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following Rules, to be in force from the date of their promulgation.

Goods in whatever veffels exported or imported to or from foreign European fettlements to be fubject to the fame duty as if exported or imported under foreign colours.

II. Goods imported from or exported to any foreign European settlements adjoining to the territories subject to the Presidency of Fort St. George, on vessels under British or Asiatic colours, shall be liable to the same duty as if the goods had been imported or exported on vessels under foreign colours.

The duty to be paid and levied under the fame rules as other duties.

III. The aforesaid duty shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government Customs on goods and merchandize imported or exported by sea.

A. D. 1819. REGULATION V.

A REGULATION for rescinding such parts of Regulations IX, X, XI, of 1816, as disqualify Servants of the Government from attesting Confessions:—Passed by the Governor in Council of Fort St. George on the 23d April 1819; corresponding with the 12th Chittra of the year Pramaudee, 1741st year of Saliwahan; and with the 27th Jamadeussany, 1234 Hijeree.

Preamble.

WHEREAS serious inconvenience has been found to arise under the operation of the rule, which disqualifies servants of the Government from attesting confessions, or confirmations of former confessions, made before the officers of justice by persons charged with the commission of criminal acts; and whereas it has been deemed expedient, in order to facilitate the administration of public justice, that such disqualification should be removed, the Right honourable the Governor in Council has been pleased to enact as follows:

Certain provifions of Regulations IX, X, and XI, of 1816, rescinded.

II. Such parts of Section XXVI, Regulation XI, 1816, and Section XXVII, Regulation XI, 1816, as prohibit persons, being servants of the Government, from attesting confessions made by prisoners before magistrates of the zillahs or district police officers, and such part of Section X, Regulation X, 1816, as prohibits persons being servants of the Government, from attesting confessions or confirmations of former confessions made by prisoners before the Criminal Judges of the zillahs, are hereby rescinded.

A. D. 1819. REGULATION VI.

A REGULATION for rescinding Sections II, and III, of Regulation IV, of 1812, and Regulation I, of 1817, and for giving due publicity to a certain Regulation enacted by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies, relative to the Trade of Foreign Nations with the British Possessions in India:—Passed by the Governor in Council of Fort St. George on the 15th May 1819; corresponding with the 4th Vyasee of the year Pramaudee, 1741st year of Saliwahan; and with the 20th Rujjub, 1234 Hijeree.

Preamble.

WHEREAS the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies have, in virtue of the powers granted to them by an Act passed in the 37th year of the reign of his present Majesty, framed a Regulation for carrying on the trade to and from the British possessions in India and the countries and states in amity with his Majesty, it is necessary that all previous enactments of the Government of Fort St. George, which may be inconsistent with the said Regulation, should be rescinded; and with the view that the provisions of the said Regulation may be duly observed by the courts of justice, and public officers of Government, and may be generally known and understood, it is expedient that the same should be printed and bound up with the Code of Regulations enacted by the Governor in Council of Fort St. George, and be likewise translated into the languages of the country. The Right honourable the Governor in Council has therefore passed the following Rules, to be in force from the date of their promulgation.

Rescissions.

II. Sections II, and III, Regulation IV, of 1812, and Regulation I, of 1817, are hereby rescinded.

The Regulation passed by the Court of Directors concerning the foreign trade in India to be printed in the judical code and translated.

III. The Regulation framed by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies, passed by them on the 31st day of December 1817, and intituled "A Regulation for carrying on the trade between the British possessions in India and the countries and states at amity with his Majesty," shall be printed and bound up with this Regulation, and shall be translated into the languages of the country, as prescribed in Regulation I, of 1802, concerning Regulations passed by the Governor in Council of Fort St. George.

Not to affect the existing provisions respecting duties on the trade of foreign nations.

IV. Nothing in this Regulation shall be construed to affect the provisions contained in the existing Regulations for defining the duties to which the trade of foreign nations is and shall be subject at the ports and settlements of the British nation in the East Indies.

"Regulation for carrying on the Trade between the British Possessions in India "and the Countries and States in amity with his Majesty, passed by the Court "of Directors of the United Company of Merchants of England trading to the "East Indies, this 31st day of December 1817.

"Whereas by an Act passed in the 37th year of the reign of his present "Majesty, intituled, 'An Act for regulating the trade to be carried on with the British "possessions in India by the ships of nations in amity with his Majesty,' it was "enacted, that from and after the passing of that Act, and during the continuance "of the exclusive trade of the United Company of Merchants of England trading "to the East Indies, and during the term for which the possessions of the British "territories in India is secured to the said United Company, it should be lawful for the ships and vessels of countries and states, in amity with his Majesty, "to import into and export from the British possessions in India such goods "and commodities as they should be permitted to import into and export from "the said possessions by the Directors of the said Company, who were thereby "directed to frame such Regulations for carrying on the trade to and from the said "possessions and the countries and states in amity with his Majesty, as should seem "to them most conducive to the interest and prosperity of the said British possessions "in India, and of the British empire, and that no ship or vessel belonging to any of "the subjects of states or countries in amity with His Majesty should be liable to "seizure, confiscation or forfeiture, or other penalty, for exporting from or importing

" into the said British possessions in India any goods or commodities, the importation " or exportation of which should respectively be permitted by the said Regulation, " any thing in a certain Act of the twelfth year of the reign of King Charles the " Second, therein recited, to the contrary notwithstanding; provided always, that it " should not be lawful for the Directors of the said United Company to frame any " Regulations for the conduct of the trade, which should be inconsistent with any " treaty or treaties which should have been or might be entered into by His Majesty, " his heirs and successors, and any country or state at amity with His Majesty, or " which might be inconsistent with any Act or Acts of Parliament which had been " passed for the Regulation of the trade and commerce of the said British territories " in India: and whereas by another Act passed in the 53d year of the reign of His " present Majesty, intituled, 'An Act for continuing in the East India Company for " a further term, the possession of the British territories in India, together with cer- " tain exclusive privileges for establishing further Regulations for the government of the " said territories, and the better administration of justice within the same, and for " regulating the trade to and from the places within the limits of the said Company's " charter,' all the enactments, provisions, matters and things contained in any " Act or Acts whatsoever, which were limited or might be construed to be limited " to continue for and during the term granted to the said Company by a certain Act " of the Parliament of Great Britain of the 33d year of His present Majesty " therein recited, so far as the same or any of them were in force and not repealed " by or repugnant to the said Act of the 53d year of His said present Majesty, " should continue and be in force during the further term thereby granted to the said " Company, subject to such alterations therein as might be made by any of the enact- " ments, provisions, matters and things in that Act contained.

" The Court of Directors of the United Company of Merchants of England " trading to the East Indies, in virtue of the powers granted to them by the afore- " said Acts, have framed the following Regulation for carrying on the trade to and " from the British possessions in India and the countries and states in amity with " His Majesty.

1st. " Foreign European ships belonging to any nation having a settlement of its " own in the East Indies, and being in amity with His Majesty, may freely enter " the British sea-ports and harbours in that country, whether they come directly from " their own country or from any of the ports and places in the East Indies. They " shall be hospitably received, and shall have liberty of trade there in imports and " exports, conformably to the Regulations established in such places, provided that " it shall not be lawful for the said ships in time of war between the British " Government and any state or power whatever, to export from the said British terri- " tories, without the special permission of the British Government, any military stores " or naval stores, saltpetre or grain. The said ships may also be cleared out for " any port or place in the East Indies, but if cleared out for Europe shall be cleared " out direct for the country in Europe to which such ships respectively belong.

II. *First.*—" Foreign European ships belonging to countries having no establish- " ment in the East Indies may, (when those countries and states respectively are " in amity with His Majesty), freely enter the ports of the principal British settle- " ments in the East Indies, viz. Calcutta, Madras, Bombay and Prince of Wales' " Island only. They shall be hospitably received there, and have free liberty to " trade in imports and exports, conformably to the regulations of the place, provided " that it shall not be lawful for the said ships in time of war between the British " Government and any state or power whatever, to export from the said British " territories, without the special permission of the British Government, any military " stores or naval stores, saltpetre or grain; and provided also, that the said ships " proceed from their own ports direct to the said principal British settlements, with- " out touching at any port or place whatever in the voyage out, except from neces- " sity, and merely to procure refreshments or repairs in case of distress or accidents " in the course of such voyage, the burthen of the proof of which necessity to rest " on the parties.

Second.—" The vessels of the said European powers last aforesaid shall not carry " any of the articles exported by them from the said British territories to any port " or place, except to some port or place in their own countries respectively, where " the same shall be unladen. The said ships should not be cleared out to carry " on the coasting or country trade in India, but vessels going with their original

" cargoes

" cargoes or part thereof from one principal British port of discharge to another " principal British port, are not to be considered as carrying on the coasting trade.

Third.—" The said vessels shall not be allowed to proceed, either with or " without return cargo, from the said British territories to the settlements or fac- " tories of any foreign European nation in India, or to the territory of any Asiatic " potentate or power, except from the like necessity, as is before described, of " which the proof shall rest with them; nor shall the said vessels be allowed to " enter the river in that part of the British territory situated in Bengal for any " other purpose than that of proceeding to the port of Calcutta for trade, refresh- " ment or repairs.

Fourth.—" In clearing out for their respective countries, the clearance shall be " a direct one to the country to which the vessel belongs and to no other " whatever.

III. " The trade between the British possessions in India, and the United " States of America, shall be regulated by the Convention of Commerce between " Great Britain and the United States of America, signed at London the 3d " July 1815."

APPENDIX.

Article III, of a Convention of Commerce between Great Britain and the United States of America, signed at London, 3d July 1815.

Article III. of a convention of commerce between Great Britain and America.

" His Britannic Majesty agrees that the vessels of the United States of America " shall be admitted and hospitably received at the principal settlements of the " British dominions in the East Indies, viz. Calcutta, Madras, Bombay and Prince " of Wales' Island; and that the citizens of the said United States may freely carry " on trade between the said principal settlements and the said United States, in all " articles of which the importation and exportation respectively, to and from the " said territories, shall not be entirely prohibited: provided only, that it shall not " be lawful for them, in any time of war between the British Government and any " state or power whatever, to export from the said territories, without the special " permission of the British Government, any military stores or naval stores or rice. " The citizens of the United States shall pay for their vessels, when admitted, no " higher or other duty or charge than shall be payable on the vessels of the most " favoured European nations; and they shall pay no higher or other duties or " charges on the importation or exportation of the cargoes of the said vessels, than " shall be payable on the same articles when imported or exported in the vessels " of the most favoured European nations.

" But it is expressly agreed that the vessels of the United States shall not carry " any articles from the said principal settlements to any port or place except to " some port or place in the United States of America, where the same shall be " unladen.

" It is also understood that the permission granted by this article is not to ex- " tend to allow the vessels of the United States to carry on any part of the coast- " ing trade of the said British territories; but the vessels of the United States having " in the first instance proceeded to one of the said principal settlements of the " British dominions in the East Indies, and then going with their original cargoes " or any part thereof, from one of the said principal settlements to another, shall " not be considered as carrying on the coasting trade. The vessels of the United " States may also touch for refreshments, but not for commerce, in the course of " their voyage to or from the British territories in India, or to or from the dominions " of the Emperor of China, at the Cape of Good Hope, the Island of St. Helena, " or such other places as may be in the possession of Great Britain in the African " or Indian seas; it being well understood, that in all that regards this article, " the citizens of the United States shall be subject, in all respects, to the laws and " regulations of the British Government from time to time established."

A. D. 1819. REGULATION VII.

A REGULATION for modifying and explaining certain parts of Regulation II, 1816, and of other Regulations now in force for the collection of Customs:—Passed by the Governor in Council of Fort St. George on the 10th July 1819; corresponding with the 28th Aunee of the year Pramaudee, 1741st year of Saliwahan; and with the 16th Ramzan, 1234 Hijeree.

Preamble.

WHEREAS it is provided in Regulation II, 1816, that sundry articles, if imported in the manner specified in the second Clause of that Regulation, shall be exempt from duty; and whereas it has been considered expedient, with a view to the further encouragement of British commerce, that a like exemption should be extended to sundry other articles; and whereas it has been further deemed advisable to modify and explain some of the provisions at present in force for the collection of Government customs; the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories immediately dependent on the Presidency of Fort St. George.

Specification of articles to which the exemption from duty contained in Section III, Regulation II, 1816, is declared to extend.

II. The exemption from duty contained in Section III, Regulation II, 1816, is hereby extended to the articles hereinafter specified, and generally to all articles coming under the description of wrought or unwrought metals, being the produce or manufacture of the United Kingdom of Great Britain and Ireland; that is to say,

Cutlery,
Table and kitchen utensils,
Trinkets, composed wholly or chiefly of metals,
Locks, bolts and hinges,
Scales and weights,
Clocks, watches and time keepes,
Nails of iron and copper,
Hatches, hammers, saws and ironmongery of all sorts,
Sheet copper and sheet iron,
Wire of iron, brass, steel, silver and gold,
Lead, in sheets, cast or rolled,
Copper pumps,
Mathematical instruments,
Fire engines,
Tin ware,
Shot for fowling,
Bellows,
Braziery.

Enumeration of articles to be considered as marine stores, and as such to be exempt from duty if imported in the manner specified in Section IV, Regulation II, 1816.

III. The following articles are hereby declared to be marine stores within the meaning of Section IV, Regulation II, 1816, and to be exempt from duty if imported in the manner therein specified:

Anchors,
Blocks of sorts,
Boxes, pump,
Buntin, of sorts,
Masts and spars, of all sorts,
Bells, for ships,
Canvas, of all sorts,
Copper rings,
Mooring chains,
Channel work, for ships,
Azimuth, hanging and steering compasses,
Cordage of all descriptions,
Deals of all sorts,
Capstern furniture,
Time and binnacle glasses,
Grapnels,
Figure heads,
Pump hide,
Kentledge,
Lanthorns,
Lines and Twine,
Scupper leather,
Sail needles, of sorts,
Spars, of sorts,
Tar and pitch,
Palm irons,
Hawse rollers,
Rosin,
Sheaves and pins, of sorts,
Speaking trumpets, of sorts,
Vitry,
Varnish.

All such parts of the Regulations as exempt from duty the Company's commerce or goods purchased at the Company's sales, rescinded.

IV. Such parts of Section XXVII, Regulation IX, 1803, of Section XIX, Regulation X, 1803, of Section XXIII, Regulation XI, 1803, and of Section XIV, Regulation I, 1812, and all such parts of any Regulation, as exempt the commerce of the Honourable Company or goods purchased at the Honourable Company's sales from payment of duties, are hereby rescinded.

V. *First.*

V. *First.*—All goods which may be originally imported by sea on British vessels, or on vessels belonging to native inhabitants of the British territories, or to subjects of native powers of Asia, at any port in the territories subject to the British Government in India, and shall afterwards be re-exported to Madras, or any port immediately dependent on this Presidency, shall, in cases in which the duty established by the Regulations of this Government, at the port where the said goods are last imported, does not exceed the amount of the duty retained at the port into which they were first imported, be exempt from all further duty on such last importation, on the production of a regular certificate from the proper officer of the amount so paid and retained at the port of original importation.

Goods originally imported on British or Asiatic bottoms at ports subject to the British Government in India, to be exempted from further duties on their subsequent importation at any other port subject to this presidency.

Provided the duty established by the Regulations does not exceed the duty retained at the port where the goods were first imported.

Certificates in proof of the duty having been paid, to be produced.

Second.—In like manner in cases in which the duty established at the port where the goods are subsequently imported, may exceed the amount retained at the port of original importation, the difference only will be levied on such subsequent importation.

In cases in which the established duty may exceed the amount levied at the port where the goods were first imported, the difference only to be demanded at the port of subsequent importation, &c.

VI. The rule contained in Clause First, Section VIII, Regulation II, 1816, is hereby declared applicable to indigo, the produce of any part of the British territories in India.

Explanation of the rule contained in clause first, Section VIII, Regulation II, 1816.

VII. *First.*—The provisions regarding drawback, contained in Clause Second, Section VIII, and Section X, Regulation II, 1816, are hereby declared subject to the following modifications.

The provisions contained in clause second, Section VIII, and Section X, Regulation II, 1816, modified.

Second.—In all cases in which an export duty is payable under the existing Regulations on goods which shall have previously paid an inland or transit duty, such export duty shall be altogether remitted on the exportation of such goods to the United Kingdom: provided, however, that in such cases such a drawback only shall be allowed as shall reduce the amount of duty retained to 2½ per cent. and where the inland duty shall not exceed that rate, no drawback shall be allowed.

Goods chargeable with an export duty on which an inland duty has been paid, to be exempted from the export duty on their exportation to the United Kingdom.

Provided such a drawback only be allowed as will reduce the duty retained to 2½ per cent. In cases where the inland duty shall not exceed that rate, no drawback to be allowed.

Third.—In like manner, in regard to goods not subject to any transit duty, the prescribed export duty shall, on their exportation to the said United Kingdom, be reduced to 2½ per cent.

On goods not subject to a transit duty, the export duty to be reduced to 2½ per cent.

VIII. The schedules annexed to this Regulation, exhibiting the duties payable, and the drawbacks allowed, on the several articles of commerce therein specified, are published for general information.

Schedules exhibiting duties and drawbacks published for general information.

TABLE, No. 1.

TABLE of the Duties levied on Articles, the produce or manufacture of the United Kingdom, or of Foreign Europe, imported from the United Kingdom on Vessels trading under the provisions of the Acts for regulating the direct and circuitous Trade between the United Kingdom and India.

Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of Foreign Europe.	Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of Foreign Europe.
Anchors and grapnels -	no duty	5 per cent.	Boxes pump - - -	no duty	5 per cent.
Articles for wearing apparel not of woollen manufacture - - - -	2½ per cent.	ditto	Brass work and ware - -	ditto	ditto
			Broad cloth - - -	ditto	ditto
			Braziery - - - -	ditto	ditto
Beads - - - - -	ditto	ditto	Buntin - - - -	ditto	ditto
Beer - - - - -	ditto	ditto	Camblets - - - -	ditto	ditto
Bellows - - - - -	no duty	ditto	Canes and rattans - -	2½ per cent.	ditto
Bird shot - - - -	ditto	ditto	Canvas - - - -	no duty	ditto
Blacking and brushes -	2½ per cent.	ditto	Capstern furniture - -	ditto	ditto
Blankets - - - -	no duty	ditto	Carriages and conveyances -	2½ per cent.	ditto
Blocks of sorts - - -	ditto	ditto	Carpets of woollen manufacture - - - -	no duty	ditto
Bottles empty - - -	2½ per cent.	ditto			

(continued)

Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of Foreign Europe.
Chalk	2½ per cent.	5 per cent.
Channel work for ships	no duty	ditto
Clocks	ditto	ditto
Coals	2½ per cent.	ditto
Coffin furniture	no duty	ditto
Compasses azimuth, hanging and steering	ditto	ditto
Confectionary and sweetmeats	2½ per cent.	ditto
Copper of every description	no duty	ditto
Copper pumps	ditto	ditto
Coper rings	ditto	ditto
Coral	- - -	ditto
Cordage	no duty	ditto
Corks	2½ per cent.	ditto
Cotton screws, iron	no duty	ditto
Cotton yarn and thread	2½ per cent.	ditto
Crystal ware	ditto	ditto
Cutlery	no duty	ditto
Cyder and Perry	2½ per cent.	ditto
Deals of sorts	no duty	ditto
Earthenware	2½ per cent.	ditto
Eatables	ditto	ditto
Engravings	ditto	ditto
Figure heads	no duty	ditto
Filtering-stones	2½ per cent.	ditto
Flint stones	ditto	ditto
Fire and garden engines	no duty	ditto
Furniture, household	2½ per cent.	ditto
Glass and glass ware of every description	ditto	ditto
Gold and silver lace	ditto	ditto
Gold leaf	no duty	ditto
Guernsey shirts	ditto	ditto
Guns and pistols	ditto	ditto
Gunpowder	2½ per cent.	ditto
Hammers, hatchets and saws	no duty	ditto
Hawse rollers	ditto	ditto
Hose, woollen	ditto	ditto
Jewellery	ditto	ditto
Iron	ditto	ditto
Iron butts, hoops, rivets and sheet	ditto	ditto
Iron cables	ditto	ditto
Iron chains	ditto	ditto
Iron chests	ditto	ditto
Iron kentledge	ditto	ditto
Iron knees	ditto	ditto
Ironmongery and iron work of every description	ditto	ditto
Iron, plate or wrought	ditto	ditto
Kentledge	ditto	ditto
Kitchen utensils	ditto	ditto
Lace	2½ per cent.	ditto
Lacquered ware, not metal	ditto	ditto
Lanthorns	no duty	ditto
Lead in sheets, cast or rolled	ditto	ditto
Leather of sorts	2½ per cent.	ditto
Lines and twine	no duty	ditto
Locks, bolts and hinges	ditto	ditto
Mangles or hackles of iron	ditto	ditto
Marble slabs and tiles	2½ per cent.	ditto
Masts, spars and oars	no duty	ditto
Mathematical instruments	no duty	ditto
Medicines	2½ per cent.	5 per cent.
Metals, wrought or unwrought	no duty	ditto
Mooring chains	ditto	ditto
Musical instruments	2½ per cent.	ditto
Nails of iron or copper	no duty	ditto
Oils	2½ per cent.	ditto
Ochre	ditto	ditto
Opium	- - -	40 Rs. per viss.
Paint and paint brushes	2½ per cent.	5 per cent.
Palm irons	no duty	ditto
Perfumery	2½ per cent.	ditto
Piece goods	ditto	ditto
Pictures	ditto	ditto
Pitch and Tar	no duty	ditto
Plate and plated ware	ditto	ditto
Printed cotton and calicoes	2½ per cent.	ditto
Pump hide	no duty	ditto
Quicksilver	- - -	ditto
Red and white lead	2½ per cent.	ditto
Rosin	no duty	ditto
Saddlery	2½ per cent.	ditto
Sail needles	no duty	ditto
Salt	350 Rs. pr. garce	350 Rs. pr. garce.
Scupper leather	no duty	5 per cent.
Seeds of sorts	2½ per cent.	ditto
Shawls, woollen manufacture	no duty	ditto
Sheaves and pins	ditto	ditto
Shot	ditto	ditto
Soda water	2½ per cent.	ditto
Spars	no duty	ditto
Speaking trumpets	ditto	ditto
Spirituous liquors	8 per cent.	8 per cent.
Spirits of turpentine	2½ ditto	5 per cent.
Stationery and books	ditto	ditto
Steel	no duty	ditto
Table utensils	ditto	ditto
Tallow	2½ per cent.	ditto
Time and binnacle glasses	no duty	ditto
Tin	ditto	ditto
Tin plates and tin ware of every description	ditto	ditto
Tobacco and snuff	2½ per cent.	ditto
Tobacco pipes	ditto	ditto
Toys of iron or tin	no duty	ditto
Types	ditto	ditto
Trinkets, composed wholly or chiefly of metal	ditto	ditto
Turpentine	2½ per cent.	ditto
Varnish, copal, used by coachmakers	ditto	ditto
Ditto for ships	no duty	ditto
Vegetable syrup	2½ per cent.	ditto
Verdigrise	ditto	ditto
Vinegar	ditto	ditto
Vitry	no duty	ditto
Watches and time-keepers	ditto	ditto
Weights and scales	ditto	ditto
Wire of iron, brass, steel, silver and gold	ditto	ditto
Wines and spirits	8 per cent.	8 per cent.
Woollens	no duty	5 per cent.
All articles not specified above	2½ per cent.	ditto

TABLE, No. 2.

TABLE of the Rates of Duties levied on the following Goods (not being the produce or manufacture of the United Kingdom, or of Foreign Europe) on their importation into Madras by Sea, on British or Asiatic Bottoms, or on Foreign Bottoms other than Asiatic, and the Drawbacks allowed on re-exportation to the United Kingdom, on Vessels trading under the provisions of the Acts for regulating the direct and circuitous Trade between the United Kingdom and India.

Enumeration of Goods.	If imported on a British or Asiatic Bottom.		If imported on a Foreign Bottom.	
	Import Duty.	Drawback on re-exportation to the United Kingdom.	Import Duty.	Drawback on re-exportation to the United Kingdom.
Animals	no duty	no drawback	no duty	no drawback.
Bullion and coin	no duty	no drawback	no duty	no drawback.
Cotton	no duty	no drawback unless duty have been paid at a subordinate port under Section XII, Regulation II, 1812, in which case a drawback of the whole of such duty is allowed.	no duty	no drawback unless duty have been paid at a subordinate port under Section XII, Regulation II, 1812, in which case a drawback of the whole of such duty is allowed.
Hemp and sunn	8 per cent. on the value	the whole duty.	16 per cent. on the value.	the whole duty.
Indigo (manufacture of the British territories in India.)	8 per cent. on a valuation of 716 rupees per candy.	the whole duty.	16 per cent. on a valuation of 716 rupees per candy.	the whole duty.
Opium, imported on a British or foreign ship unaccompanied by certificate of its having been purchased at the Company's sales	40 rupees per viss.	no drawback	40 rupees per viss.	no drawback.
Precious stones	no duty	no drawback	no duty	no drawback.
Rice, imported from ports subordinate to Fort St. George.	no duty	no drawback	no duty	no drawback.
—— imported from any other place	5 per cent.	2 ½ per cent.	10 per cent.	7 ½ per cent.
Spirits	8 per cent. on the value & an excise duty of 350 rupees per 150 gallons.	5 ½ per cent. and the whole excise duty.	16 per cent. on the value & an excise duty of 350 rupees per 150 gallons.	13 ½ per cent. and the whole excise duty.
Salt (foreign)	350 rupees per garce.	no drawback	350 rupees per garce.	no drawback.
Wines	8 per cent. on the value.	5 ½ per cent.	16 per cent. on the value.	13 ½ per cent.
Bang, Betelnut, Ganjah, Goodawk, Tobacco — Port of Madras only.	As per Regulation II, and III, of 1812.	The excess of the duty above 2 ½ per cent. on the value.	As per Regulation II, and III, of 1812.	The excess of the duty above 2 ½ per cent. on the value.

With the above exceptions, all articles when imported on a British or Asiatic vessel, are charged with an import duty of 8 per cent. and allowed a drawback of 5 ½ per cent.; and when imported on a foreign vessel other than Asiatic, are charged with an import duty of 16 per cent. and allowed a drawback of 13 ½ per cent.

TABLE, No. III.

TABLE showing the result of the adjustment of internal or transit Duties, and of Drawbacks on Goods exported by Sea to the United Kingdom, on Vessels trading under the provisions of the Acts for regulating the direct and circuitous Trade between the United Kingdom and India.

Enumeration of Articles.	Duty.
Animals	No duty.
Bullion and Coin	ditto
Cotton	ditto
Hemp and Sunn	ditto
Indigo	ditto
Opium	Duty of 40 rupees per viss.
Precious Stones and Pearls	No duty.
Rice and Grain of all sorts (at subordinate ports)	Duty of 2½ per cent.
Ditto ditto at Madras	No duty.
All other Articles	A duty of 2½ per cent. on the tariff rate of the place of exportation, adjusted by drawback when more has been previously paid.

A. D. 1819. REGULATION VIII.

A REGULATION for rescinding Regulation IX, of 1802:—Passed by the Governor in Council of Fort St. George on the 29th November 1819.

Preamble.

THE system prescribed by Regulation IX, of 1802, for the preparation of Regulations by the several authorities therein specified, regarding matters within their cognizance respectively, has not been found productive of the desired effect. The time and attention of the Judges of the Sudr and Foujdaree Udalut have been much occupied, and their other important duties frequently impeded, by the revision of Regulations, which, being drafted by officers of various departments not experienced in that duty, were often found defective in point of form, and otherwise unfit for adoption without considerable alterations. Moreover the Judges of the Court of Sudr and Foujdaree Udalut, in performing the duty with which they were charged, of revising Regulations prepared in other departments, stood often in need of information to which they could not have access except by a circuitous reference. It appears, further, to be inconsistent with general and acknowledged principles of good government, which require the separation of the legislative and judicial functions, that laws, which are to regulate the decisions of the courts of justice, should be finally prepared for promulgation by the court exercising the highest civil and criminal jurisdiction, whose duty it is to expound and interpret those laws in the last resort, The Right honourable the Governor in Council has therefore resolved to rescind Regulation IX, of 1802, and to make such special provision as may appear from time to time expedient for bringing under the notice and consideration of Government, with the opinion of the highest authorities in each department, the legislative rules which the judicial, revenue and commercial authorities may deem it advisable to propose respecting matters coming within their cognizance, and for reducing into the form of Regulations, as prescribed in Regulation I, of 1802, such of the proposed rules as may finally be adopted by the Government. The Right honourable the Governor in Council has accordingly enacted as follows:

Rescission of Regulation IX, of 1802.

II. Regulation IX, of 1802, is hereby rescinded.

III.

REGULATIONS

Passed by the Governor in Council of *Bombay*, in the Year 1819.—No. I. to X.

A. D. 1819. REGULATION I.

A REGULATION for the support of the Police in the Cantonments and Military Bazars subject to the Presidency of Bombay; for defining the powers of the Civil and Military Officers in the performance of that duty, and for fixing the local limits of the said Cantonments and Bazars:—Passed by the Right honourable the Governor in Council of Bombay, on the 25th of February 1819; corresponding with the 1st of Falgoon sood, Sumbut, Vikramjit era, 1875; Salbahan 1740; and 29th of Rubeeoolakhir 1234 of the Hijree.

Preamble.

THE following Rules have been passed for the more effectual support of the police in cantonments and military bazars subject to the Presidency of Bombay, for defining the powers of the civil and military officers in the performance of that duty, and for fixing the local limits of the cantonments and bazars.

The support of the police and the maintenance of the peace within the limits of cantonments, vested in officers commanding the troops.

Commanding officers to adopt measures for preventing the commission of the thefts or other public crimes within the limits of cantonments and military bazars.

II. *First.*—The support of the police, and the maintenance of the peace within the limits of the cantonments and military bazars (which are to be fixed in the manner hereafter stated), are hereby vested in officers commanding the troops quartered at such places. The commanding officers will accordingly adopt the necessary measures, by means of the troops under their command, for preventing, as far as possible, the commission of thefts, robberies, murders and other public crimes, within the limits of the said cantonments and military bazars, and for the discovery and apprehension of persons, who may at any time be guilty of any such acts.

Commanding officers, or others acting under their authorities, are not to interfere with respect to assaults and petty affrays.

Second.—Nothing contained in the preceding rule shall, however, be construed to authorize the commanding officers of cantonments, or the persons acting under their authority in the support of the police, to interfere, with respect to assaults and petty affrays, or other offences of inferior magnitude, unless the persons guilty of those offences shall be apprehended in the actual commission of such acts.

Persons apprehended under the above rules, to be delivered over to the criminal judge or magistrate of the district; and to be proceeded against in the manner prescribed by the General Regulations.

Third.—Any person apprehended under the preceding rules in any of the cantonments or military bazars, on account of the commission of any public crime or offence, shall be delivered over with all practicable expedition to the Criminal Judge or Zillah Magistrate of the jurisdiction in which such cantonments or bazars are situated; and the Criminal Judge or Zillah Magistrate, if within his jurisdiction, shall proceed against the accused in the manner prescribed by the General Regulations.

Party aggrieved shall be at liberty to prefer his complaint against any individual resident in the cantonment or military bazars, to the Magistrate of the district.

Criminal judges and magistrates to proceed against such individuals under the General Regulations.

III. *First.*—If any person shall have a charge or complaint to prefer against any individual resident in any of the cantonments or military bazars, who may not have been already apprehended by the persons entrusted therein with the support of the police, or if the charge or complaint be of a nature not to authorize those officers under Clause Second of the preceding Section, to interfere in it, the party deeming himself aggrieved is at liberty to prefer his charge or complaint directly to the Criminal Judge or Zillah Magistrate, agreeably to the jurisdiction in which the cantonments or military bazar may be situated, who is hereby authorized and required to proceed with

with respect to it under the General Regulations, in the same manner, as if the alleged crime or offence had been committed in any other part of his jurisdiction.

Criminal judges or magiſtrates may iſſue warrants and ſummonſes againſt any perſon reſiding in the cantonment.

Second.—Under the foregoing Clause the Criminal Judges and Zillah Magistrate are of course empowered to issue their warrants and summonses against any persons residing in the cantonments and military bazars, in the same manner as if such persons resided in any other part of their jurisdiction; and the commanding officers of stations are hereby required to afford every protection to the officers of the Judges, Criminal Judges, Zillah Magistrates, and Justices of the Peace, in the discharge of the duty entrusted to them, whether any special application shall have been made to them for such aid or support, or otherwise.

Commanding officers on ſpecial application or otherwiſe, required to afford protection to the officers of the civil authority, in the diſcharge of the duties entruſted to them.

Limits of cantonments and military bazars, to be fixed by commanding officers in concert with the criminal judge or magiſtrate of the diſtrict.

IV. On receipt of this Regulation, the limits of the cantonments, including the military bazar attached thereto, at which any division or corps of the army, or any considerable detachment, not being less than half a battalion, may be quartered, shall be fixed by the commanding officer in concert with the Criminal Judge or Zillah Magistrate. The commanding officer at each of those stations will accordingly submit to Government, through the usual channel, as soon as circumstances may conveniently admit, a report, framed in concert with the Criminal Judge or Zillah Magistrate within whose jurisdiction the cantonments may be situated, upon the local limits of the cantonments, forwarding at the same time any separate remarks which the Criminal Judge or Zillah Magistrate may wish to make on the subject, for the final orders of the Governor in Council.

Commanding officer to ſubmit a report upon the local limits of the cantonments, with any remarks from the criminal judge or magiſtrate of the ſtation, for the final orders of Government.

The above rules to be conſidered applicable to all cantonments.

V. The above Rules shall be considered applicable to all cantonments in which any considerable body of the troops, not being less than half a battalion, is quartered, whether the cantonments be situated at the place of residence of the Judge, Criminal Judge and Zillah Magistrate, or in any other part of the district.

A. D. 1819. REGULATION II.

A REGULATION for amending part of Section IX, Regulation XIV, A. D. 1802, intituled, "A Regulation for the appointment of Vakeels or Native Pleaders in the Civil Courts:"—Passed by the Right honourable the Governor in Council of Bombay on the 10th March 1819; corresponding with the 14th of Falgoon Sood Sumbut or Vikramajit era 1785, Salbahan 1740, and 13th of Jumâdyool-avul 1234 of the Hijree.

Preamble.

WHEREAS the fees levied upon the institution of suits in the Civil Courts under Section III, Regulation VIII, A. D. 1802, as well as those receivable by the registers of the said Courts under Section V, Regulation II, 1808, were calculated upon the principle of a gradual increase in proportion to the amount of suit; and whereas doubts have arisen upon the application of this principle, in estimating the fees of vakees or native pleaders, according to the table thereof exhibited in Section IX, Regulation XIV, A. D, 1802; in order therefore to remove such doubts in future, the following Rules have been enacted.

Fees to be allowed to vakeels or native pleaders in the civil courts.

II. The vakeels of parties in the several Courts of Judicature are to be allowed as fees for pleading the causes of their clients, the following per centage on the sum of money or the value of any personal property which may constitute the subject of the suit, viz.

On amount or value not exceeding five thousand rupees, five per cent. on the first thousand, and four per cent. on the remainder.

On amount or value exceeding five thousand and not exceeding ten thousand rupees, on five thousand as above, and on the remainder three per cent.

On amount or value exceeding five thousand and not exceeding twenty-five thousand rupees, on ten thousand as above, and on the remainder two per cent.

On amount or value exceeding twenty-five thousand and not exceeding fifty thousand rupees, on twenty-five thousand as above, and on the remainder one per cent.

On

On amount or value exceeding fifty thousand and not exceeding one hundred thousand rupees, on fifty thousand as above, and on the remainder three quarters per cent.

On amount or value exceeding one hundred thousand rupees, on one hundred thousand as above, and on the remainder one half per cent.

A. D. 1819. REGULATION III.

A REGULATION for defining the Jurisdiction to which the ceded and conquered Territories, recently annexed to the Bombay Presidency, shall be subject; for introducing the Laws and Regulations for the administration of Justice, and collection of the Revenues, into those territories; and for modifying such parts of the existing Regulations, as relate to the periodical Goal Deliveries:—Passed by the Right honourable the Governor in Council of Bombay on the 14th April 1819, corresponding with the 4th of Chyter Vud, Sumbut or Vikramajet era 1875, Salbahan 1741, and 18 of Jumadyoolakher 1234 of the Hijree.

Preamble.

WHEREAS by a supplemental treaty concluded at Baroda, on the 6th November 1817, with His Highness the Guycawar, and ratified by His Excellency the Most Noble the Governor General in Camp at Masowly, on the 12th of March 1818, the districts composing the perpetual farm of Ahmedabad by the XV. article of the Treaty of Poona, namely, the late Paiswa's share in the city of Ahmedabad, the Duscooraee Pergunnah, the districts of Beerumgaum and Perantej, his share in Hursolee and Morassa, the Punch Mahals, viz. Mahmoodabad, Aleena, or otherwise called Thanna, Sasra and Antroolee, Balasenore and Veerpoor, and half of the town and pergunnah of Petlaud, were ceded in perpetual sovereignty to the Honourable East India Company, in order to provide for the regular payment of the additional troops subsidised by that treaty; and whereas by the additional articles to the supplemental treaty aforesaid, negociated with the Guycawar State, and ratified by His Excellency the Most Noble the Governor General in Council at Fort William on the 28th of November 1818, the Guycawar's share of the city, and of his rights in Ahmedabad, the Duscooraee (inclusive of Doomalla and Enam assignments,) the pergunnahs of Turkeyser and cusba of Mota in Surat Attaveesy, were ceded to the East India Company in exchange for the districts of Dubhoy, Bahadurpoora and Saowlee, and of the Moghallaie duties in the districts belonging to the Guycawar in the Surat Attaveesy; and whereas it was considered mutually desirable for the interests and convenience of both Governments, and to promote more effectually the consolidation of their power and authority, that the rights of the cusba town of Petlaud, should be transferred to one or other of the contracting parties, His Highness the Guycawar agreed by the additional articles aforesaid, to cede in exchange for the Company's rights in the cusba of Petlaud only, his rights in the cusba or township of Omrut; and whereas all the territory situated to the southward of the districts of Bailapoor, Autgong and Cullian, and lying between the ghauts of the Syadree mountains and the sea, denominated the Southern Concan and the pergunnah of Oolpar in Guzerat belonging to the late Paishwa, have been obtained by conquest, and annexed to this Presidency by the authority of His Excellency the Most Noble the Governor General in Council; and whereas it has been judged advisable to annex such of the territories to those zillahs which from their vicinity can most conveniently exercise a jurisdiction over them, and also to create a new zillah in the Southern Concan; and whereas it has been deemed expedient to extend the Regulations for the administration of justice, and the collection of the Revenue, with the amendments and alterations hereafter specified, to the territories aforesaid, as well as to modify such parts of Section VIII, Regulation VIII, 1812, as relate to the number of goal deliveries annually, the following enactment has been passed.

Certain parts of Section III, Regulation VI, 1817 rescinded.

II. Such parts of Section III, Regulation VI, 1817, as relate to the annexation of the pergunnahs of Dubhoy, and Bahadurpoora to the zillah of Broach, and the pergunnah of Saowlee to the zillah of Caira, are hereby rescinded.

Section V, Regulation II, 1805, rescinded.

III. *First.*—Section V, Regulation II, 1805, constituting the zillah and collectorship of Kaira is hereby rescinded, and the territories situated to the northward of the

British territory north of the Myhee, divided into two zillahs; one designated the Ahmedabad or Western Zillah, the other the Eastern Zillah north of the Myhee.

the Myhee river, which were divided into two zillahs and collectorships from the 1st day of January 1818, shall be designated, one the Ahmedabad or Western Zillah, and the other the Eastern Zillah North of the Myhee.

What shall constitute the Admedabad or Western Zillah.

What shall constitute the Eastern Zillah.

Second.—The districts situated to the west of the Sabumatty river, inclusive of such part of the Dholka Pergunnah as may be situated to the east thereof, with the city of Ahmedabad, including such villages in the Duskoraee as are to the west of the Kharee river and the pergunnah of Perantej, shall form the Ahmedabad or the Western Zillah; and the districts situated to the eastward of the Saburmatty with the exception of the city of Ahmedabad, such part of the Dholka Pergunnah as may be situated within this boundary, the pergunnah of Perantej, and the villages before stated, shall form the Eastern Zillah North of the Myhee.

Such records to be transferred to the Ahmedabad or Western Zillah Courts as may belong thereto.

Zillah court to proceed in suits transferred in same manner as if instituted therein in the first instance.

IV. *First.*—All suits which may have arisen within the limits of such parts of the late zillah of Kaira, as are now incorporated into the new created zillah of Ahmedabad, and which may be depending, shall be received by, and the papers and documents connected with such suits, transmitted to the Zillah Court of Ahmedabad, and the Judge thereof is hereby empowered to proceed in the trial of the said cases, in like manner as if the suits had been instituted in the first instance in the Court under his authority.

The same principle to apply within the Eastern Zillah.

Second.—The principles of the above Clause shall apply to such parts of the territory comprised in the late Kaira Zillah, as may be incorporated with the Eastern Zillah North of the Myhee.

Civil and criminal prisoners in the gaol at Kaira to be transferred to the zillah to which they may belong.

Third.—The civil and criminal prisoners in the gaol of Kaira, shall also be transferred under this division, to the zillah to which they may respectively belong.

All acts of the judicial and revenue officers from the date of the introduction of the constitution within the late cessions north of the Myhee and in the conquered territories to the date of this enactment, are legalized.

V. All acts done or decisions passed by the revenue or judicial authorities within the recently acquired territories situated to the North of the Myhee, since the date of the Government order partitioning the country into two zillahs, viz. the 10th December 1817, as well as within all the conquered territories alluded to in this Regulation, are hereby considered to have the same force and effect, as if passed subsequent to the promulgation of this Regulation.

The pergunnahs of Oolpar and Turkeyser, and cusba of Mota, and the pergunnah of Bugwara, annexed to the Surat zillah.

VI. The pergunnahs of Oolpar and Turkeyser, and cusba of Mota in Surat Attaveesy, are annexed to the zillah of Surat, as was the pergunnah of Bugwara, or that portion of the territory ceded by the Treaty of Poona, and lying between the Damaun river and the Attaveesy, by an Order in Council bearing date the 17th November 1817.

The village of Mugdula, and lands in the village of Peeplod, are annexed to the zillah of Surat.

VII. The village of Mugdula, together with some adjoining lands in the village of Peeplod, situated in the pergunnah of Chourasee, being cessions under the last Treaty of Poona, are hereby annexed to the zillah of Surat.

Regulations I, of 1811, XI, of 1814, and VI, and XII, of 1815, rescinded.

VIII. Regulations I, of 1811; XI, of 1814, and VI, and XII, of 1815, are hereby rescinded.

Annexation of territory to the zillah of Northern Concan.

IX. *First.*—The tract of the territory situated to the south of the districts of Bailapoor, Autgong and Callian, as far as the river Apta, shall be annexed to the zillah of the Northern Concan.

Conquered territory in the Southern Concan created into a zillah.

To be designated the Zillah of the Southern Concan.

And to include the stations of Fort Victoria and Malwan.

Second.—The conquered territory bounded on the north by the Apta river, and on the south by the Carlee or Malwan river, and lying between the ghauts of the Syadree Mountains and the sea, known under the appellation of the Southern Concan, shall be formed into a separate zillah and collectorship, to be denominated the Zillah of the Southern Concan, including within its jurisdiction the territories dependent on Fort Victoria and Malwan.

The judicial records from Malwan and Fort Victoria to be transferred to the zillah court of the Southern Concan.

X. *First.*—All suits which may have arisen within the limit of the districts of Malwan and Fort Victoria, now incorporated in the new created zillah of the Southern Concan, and which may be depending, shall be received by, and the papers and documents connected with such suits transmitted to the Zillah Court under which

which these stations are now placed; and the Judge thereof is hereby empowered to proceed on the trial of the said cases, in like manner as if the suits had been instituted, in the first instance, in the Courts under his authority.

Zillah court to proceed in suits transferred in same manner as if instituted therein in the first instance.

Second.—The civil and criminal prisoners in the gaols of Malwan and Fort Victoria, shall be transferred to such place as shall hereafter be fixed on for the seat of the zillah of the Southern Concan.

The civil and criminal prisoners in the gaols of Malwan and Fort Victoria to be transferred to the Sudder station.

Third.—All papers and documents in causes appealed from the decisions of the Judges at Fort Victoria and Malwan, and which may be depending in the Court of Sudder Adawlut, shall be transmitted to the Provincial Court of Appeal; and the Judges of the Court of Appeal are hereby empowered to proceed in the trial of the said cases, in like manner as if the suits had been instituted in the first instance in the Provincial Court.

Sudder Adawlut to transfer to the provincial court of appeal, appeals pending from Fort Victoria and Malwan. And that court is empowered to proceed therewith as if instituted in the first instance in the provincial court.

XI. The Laws and Regulations established for the internal administration of the territories under the Presidency of Bombay, and for the collection of the revenues, are hereby declared to be in full force and effect within such parts of the late cessions, as are situated north of the Myhee, and lying within or annexed to Surat Attaveesy, from the 6th of June 1817.

The laws and regulations to have effect in the cessions and conquests from the dates specified in this Section.

In the pergunnah of Oolpar from the 28th of November 1817.

And in the conquered territories annexed to the Northern and Southern Concan respectively from the 2d September 1818.

XII. The Courts of Civil Judicature shall not be deemed competent to take cognizance of civil claims in any part of the ceded and conquered territories aforesaid, the cause of action in which may have originated previously to a period of twelve years antecedent to the dates of such cessions and conquests respectively.

Civil claims originating twelve years antecedent to the dates of cession or conquest, not cognizable by the civil courts.

XIII. The operation of Regulation III, 1814, is limited to the 6th June 1816, in respect to the territories aforesaid; to the 28th November 1816 in respect to Oolpar; and to the 2nd of September 1817, in respect to the conquered territories in the Concan: and operation of Section XIII, Regulation XIV, 1815, in respect to all the territories and places named in the preamble of this Regulation, is limited to the 1st day of September 1819, of which due notice shall be given by the proper local authorities.

Limitation of the operation of Regulation III, 1814, prescribed.

Operation of Section XIII, Regulation XIV, 1815, limited to 1st September 1819. Of which due notice to be publicly given.

XIV. The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence which may have have been committed in any part of the aforesaid territories previously to the dates of cession or conquest, as specified in Section XI.

Crimes committed previous to the date of cession or conquest not cognizable by the criminal courts.

XV. Such part of Clause First, Section II, of Regulation VI, 1817, as provides for the establishment of a separate collectorship in the Northern Concan, independent of Salsette, is hereby modified; and the collectorship in the Northern Concan is declared to be co-extensive with the jurisdiction of the Zillah Court, in all matters of revenue, as well as magisterial, under the Regulations now in force.

Collectorship of the Northern Concan declared to be co-extensive with the jurisdiction of the zillah court.

XVI. *First.*—Such part of Section VIII, Regulation VIII, 1812, as provides for the general goal deliveries annually in each zillah, is hereby rescinded.

Certain parts of Section VIII, Regulation VIII, 1812, as provide for three circuits in each year rescinded.

Second.—There shall be two general gaol deliveries annually in each zillah, with the exception provided in the following Section: for which purpose the junior Judges shall make two circuits; setting out on the first circuit upon the first day of April, and on the second circuit upon the first day of October, in each year respectively.

Two circuits established in each year. Exception.

XVII. The gaol deliveries of the zillah of Surat, the seat of the Court of Circuit, shall hereafter be held quarterly before one of the Judges.

Gaol deliveries to be held quarterly in the zillah of Surat.

XVIII. The courts of quarterly goal delivery established by the preceding Section, shall commence on the first of the months of January, April, July, and October respectively in each year, and shall be superintended by the Judges of the Provincial Court in rotation as follows, viz.

In what manner and at what periods the gaol deliveries are to take place.

The chief Judge shall preside at the April and October, or second and fourth quarter sessions of the year; and the January and July, or first and third quarter sessions, shall be held by the second and third Judges alternately.

A. D. 1819. REGULATION IV.

A REGULATION to amend the existing Rules for receiving Complaints in the Zillah Courts against Collectors of the Land Revenue and Customs, Commercial Residents and others, European Public Officers amenable to those Courts, for acts done in their official capacity in opposition to any published Regulation; and to make provision for a special inquiry in certain cases of charge or information against any such officers:—Passed by the Governor in Council of Bombay, on the 14th of July 1819, corresponding with the 7th Assad Vud, Sumbut or Vikramajit era 1875; Salbahan 1741; and 20th Ramzan 1234 of the Hijree.

Preamble.

BY Section VII, Regulation I, A. D. 1800, collectors of revenue and customs and their assistants, (and native officers), and all persons on the part of Government in the manufacture of salt, or in the provision of the investment, are declared amenable to the Zillah Court for any acts done in their official capacity, in opposition to any Regulation printed and published in the prescribed form; it is further provided, by the Regulation referred to, that if the complainant consider himself aggrieved under any published Regulation, by an act done by any of the officers described in pursuance to a special order originating with the Governor in Council, or with respect to demands of revenue, if he admit the demand to be conformable to the engagements or stipulations under which the collector may have made the demand, but deny their validity, or have any objections to them, either wholly or in part, under any Regulation passed by the Governor in Council, the collector or other public officer is not to be liable to personal prosecution on account of such authorized demand, or on account of demands made in conformity to such engagements or stipulations, which are to be held valid until they are set aside or altered by a final judicial decision. In such cases Government is to be considered the defendant, and the person deeming himself aggrieved is directed to present a petition to the Judge of the Zillah Court, having jurisdiction over the officer by whom the act complained of may have been done, stating wherein he considers himself injured under the Regulations, and praying that the Governor in Council will order the Court, in which the cause may be cognizable, to try the points or matters contested agreeably to the Regulations. The Judge to whom any such petition may be presented is required to forward it immediately to the Governor in Council, who has declared that, if he shall not think it proper to afford the redress solicited by the petitioner, and the established Court of Justice shall be competent to try the cause, he will direct the Court in which it may be cognizable to proceed to the trial of it, under the same rules and regulations as are prescribed for the trial of suits between individuals. The officer, by whom the act complained against may have been done, is in such cases to defend the suit on the part of Government, under the directions of the Governor in Council, and he is to employ for this purpose the vakeel of Government attached to the Court in which the suit may be tried, but in all other cases, viz. excepting such as are specially declared to be suits against Government, the officer complained against is left to defend the suit by any vakeel he may think proper to employ, and at his own ultimate risk and expense, if his conduct shall appear on judicial investigation, to have been repugnant to, or unwarranted by, the Regulations; though in suits involving any claim to money received or demanded on behalf of Government, all costs of suit are allowed to be disbursed in the first instance, from the public treasury, and the officer complained against is secured from personal loss, if his conduct shall be adjudged by a final decree to have been conformable to the Regulations. A principal object of the provisions was to distinguish suits, in which the collectors and other public officers might become personally answerable for any unauthorized deviation from the rules prescribed for their guidance in the performance of their respective duties, and suits for acts done by them under special orders in the regular discharge of their official functions, in which no personal responsibility could attach to them. A further object was to furnish the Governor in Council with the earliest information of all cases in which individuals might deem themselves aggrieved by acts done in pursuance of special orders from the Governor in Council, that redress might be granted without a judicial process, if it should appear that any real injury had been sustained, or that the

the rights of Government might be defended with full information and advice from the proper departments, if the complaint preferred should, on inquiry, be deemed not to have any just foundation, with a view to simplify the process. It is therefore advisable, that every complaint preferred in the Courts of Civil Justice against any European public officer amenable thereto, should be reported in the first instance, for the information and orders of the Governor in Council. It is also expedient and requisite, that provision should be made for a special inquiry when charges of a serious nature are preferred to any of the established Courts of Judicature authorized to receive such charges, against any of the covenanted servants of the Company employed in situations of trust and responsibility in the judicial, revenue or commercial departments, as well as when any charge or public information of this description may be communicated directly, or through any official channel of communication, to the Governor in Council. By the statute 13 Geo. III, cap. 63, section 33, it is enacted, that "if any of his Majesty's subjects in India, employed by, or in the actual service of the United Company, shall be charged with and prosecuted for any breach of public trust, or for embezzlement of public money or stores, or for defrauding the United Company, every such offender being convicted thereof in the Supreme Court of Judicature, may be fined and imprisoned and judged to be for ever after incapable of serving the United Company." It is further enacted, by the statute 33 Geo. III, cap. 52, section 62, "that the demanding or receiving any sum of money, or other valuable thing as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for, or pretended to be for, the use of the Company or of any other person whatsoever, by any British subject holding or exercising any office or employment under His Majesty or the United Company, in the East Indies, shall be deemed and taken to be extortion, and a misdemeanor at law, and shall be proceeded against and punished as such, under and by virtue of this Act, and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof." These provisions of the British legislature are open to the direct prosecution of the charges therein mentioned before the King's Court at Bombay by any individual who may be desirous of prosecuting such charges in that Court, without the interposition of Government. But individuals cannot be expected, in all cases to prosecute charges of the nature specified (at their own risk and expense) in the King's Court at the Presidency, and when an accusation is preferred to any of the Courts of Judicature, authorized to receive the same, or public information is given to the Governor in Council of corruption, embezzlement, or other gross malversation, breach of trust, or high misdemeanor, by a public officer, it is requisite for the ends of justice, that an immediate inquiry should be instituted for the purpose of ascertaining whether such accusation, or information, be founded or otherwise, in order that in the former case, Government may be enabled to judge, whether such officer deserve any longer to be continued in the employment of the Company, and that (in cases which may appear to require it) the provisions of the law may be carried into effect by a public prosecution in the Recorder's Court, or if the charge shall appear to be unfounded, that justice may be done to the character of the accused. The following Rules are accordingly enacted, and are to be considered in force, as soon as promulgated, in the whole of the provinces subject to the immediate authority of the Presidency of Bombay.

First process to be observed on the institution of a complaint in a zillah court against a collector, commercial resident, or other European public officer amenable thereto, when the act complained of may not come within the special provisions of Section VI, of this Regulation.

II. Whenever a complaint may be instituted in the manner prescribed by the Regulations in any Zillah Court against a collector of the revenue, or a commercial resident, or a collector of the customs or other duties, or against any assistant to such officers respectively, or generally against any European public officer amenable to the Zillah Court, for any act which, under the Regulations in force, may be cognizable by such Court, and may not be of the nature described in Section VI, of this Regulation, the Judge, previously to calling upon the officer complained against for his answer, shall transmit a copy and English translation of the complainant's petition to the Governor in Council for his information and orders.

What proceedings will be held, and orders passed by Government on references made to the Governor in Council under the preceeding section.

III. On receipt of the reference directed in the preceding Section, the Governor in Council, after making such inquiry as he may judge necessary in whatever mode the circumstances of the case may suggest, will determine, in the event of the redress sued for by the complainant not being granted, whether the suit instituted shall be defended as a public suit by Government, or whether it shall be considered

a private suit, and left to the defence of the person against whom it is brought, or generally what mode of proceeding shall be adopted with respect to the suit in question. The orders of Government in consequence shall be immediately communicated to the Judge of the Court in which the suit may have been instituted, or in which it may be cognizable, and he shall be guided thereby as far as they may respect the general mode of proceeding to be observed by him under the Regulations in force, provided that if the Governor in Council shall order the complaint so referred to be tried in a Zillah Court, either as a public suit against Government or as a private suit against the party whose acts are complained of, the whole of the rules in force relative to the trial and decision of such suits respectively, shall be considered applicable to the trial and decision of the suit in question, in like manner as if no special orders from Government had been received.

In what respect the judges of the civil courts to be guided by the orders of Government upon such reference.

IV. Such parts of Section X, Regulation VI, 1812, as relate to charges of corruption against a Judge of a Zillah Court preferred to a Provincial Court of Appeal, as well as Section VIII, Regulation VII, 1812, relative to charges of corruption against the Judge of a Zillah Court, or of the Provincial Court preferred to the Court of Sudder Adawlut, are hereby rescinded.

Parts of Section X, Regulation VI, 1812, rescinded.

Also Section VIII, Regulation VII, 1812.

V. Such parts of Section IX, Regulation IV, 1800, as relate to charges of corruption and extortion against the registers or assistants to the Civil and Criminal Courts, or against any other officers of those Courts, being covenanted servants of the Company, are also rescinded.

Parts of Section IX, Regulation IV, 1800, likewise rescinded.

VI. Whenever a complaint or charge of corruption, viz. of the corrupt demand or receipt of money or other valuable thing as a gift or present, or of the embezzlement of public stores, or of any fraud or breach of public trust, or other gross misdemeanor, shall be preferred against any European officer attached, or who had been attached to the judicial, revenue or commercial departments, or when any matter of the nature in question, implicating the conduct of a public officer, shall appear in the course of any proceeding which may come before any superior authority, or be specially reported by a subordinate court or authority, the inquiry into such charge or complaint shall be conducted according to the following Provisions.

Inquiry into complaints or charges of corruption, embezzlement, or other gross fraud, breach of trust, or high misdemeanor, against a judicial officer, how to be conducted.

VII. *First.*—With a view to the protection of the characters of the public officers, it is hereby declared, that no accusation or information of the nature above described shall be acted upon, unless the truth of the charge be averred on oath, or under a solemn declaration (if the deponent be of a rank or cast, which would render it improper to require his oath), from the deponent's personal knowledge of the facts and circumstances on which the charge is grounded.

Accusations or informations against public officers not to be acted upon, unless averred on oath or under a solemn declaration.

Second.—With a view likewise to the more effectual accomplishment of the purpose stated in the preceding Clause, that is, the protection of the characters of the public officers from malicious and calumnious aspersions, it is hereby declared, that it shall be competent to the Governor in Council and Sudder Adawlut, should it be deemed advisable, to require the person by whom any public accusation or information may be preferred, to furnish such security as may be deemed reasonable, to attend and prosecute the charge to a conclusion, and supposing such security not to have been taken in the first instance, to require it in any subsequent stage of the business, should circumstances appear to render that precaution at any time necessary or proper.

Persons preferring charges to be required to furnish security to prosecute them to a conclusion.

VIII. *First.*—Whenever any charge or information of the nature above described, shall be preferred direct to the Sudder Adawlut, it shall be the duty of that Court to examine the complainant or informant circumstantially on oath, or under a solemn declaration, if he be entitled to be exempted from taking an oath, and likewise to make such further general inquiries on the subject, either by a reference to the public records, or by calling on the party accused, for an explanation of the alleged acts of misconduct, or in any other mode which the nature of the case may suggest, as may be sufficient to satisfy the Court whether grounds exist for a regular and formal inquiry into the said charge or information, or otherwise.

In cases of charges being preferred direct to the superintending authorities, previous examination and investigation to be made whether grounds exist for a regular and formal inquiry.

Second.—In order at the same time to afford sufficient facilities to persons, who may have substantial grounds for complaint against any of the public European officers employed in the judicial, revenue and commercial departments, to obtain redress

Every court of civil judicature receiving such charges to examine the complaint

redress of any real grievances, it shall be the duty of every Court of Civil Judicature, by which any public charge or information of the nature above described may be received, to examine the complainant or informant, circumstantially on oath, or under a solemn declaration, if he be entitled to be exempted from taking an oath, and transmit the deposition so taken to the Sudder Adawlut, for their further consideration, and for such further general inquiries as may be judged necessary for the purpose stated in the preceding Clause.

on oath and transmit such depoſition to the proper ſuperintending authority.

Third.—Should the Sudder Adawlut be of opinion that the charge or information is frivolous and vexatious, they shall merely inform the party that they do not see any substantial reason for entering further into the inquiry.

Superintending authorities may diſmiſs frivolous or vexatious charges.

Fourth.—Should the Sudder Adawlut be of opinion, after the general inquiries above noticed, that substantial grounds exist for making a regular formal inquiry into the truth of any public charge or information which may be preferred against any European officer subject to their control, they shall submit the documents on which their opinion may be grounded, together with a clear statement of the charges, reduced to distinct heads or articles, which they would propose to be made the subject of a regular investigation, to the Governor in Council for his consideration and orders.

Superintending authorities to report to Government every caſe in which ſubſtantial grounds appear to exiſt for a regular inquiry.

IX. *First.*—Should the Governor in Council, on receipt of the report above described, concur thereto, that a regular investigation should be made into the truth of the charge or information preferred against the person accused, he will appoint a commissioner or commissioners for the performance of that duty, who, previously to entering on the discharge of it, shall take the following oath before the Govenor in Council, or any person commissioned to administer the same.

Should the Governor in Council concur in ſuch opinion, he will appoint commiſſioners for making a regular inquiry.

"I, *A. B.* appointed a commissioner under the provisions of Regulation A. D. do hereby solemnly swear, that I will faithfully and impartially perform the duty committed to me, without fear, favor, or bias, to the best of my ability, knowledge and judgment. So help me God."

Oath of commiſſioner.

Second.—The Governor in Council will at the same time order the commission so appointed, to be holden at such place as may be most convenient, and best adapted to the ends of justice.

The commiſſion to be holden at the moſt convenient place.

X. *First.*—Whenever a special commission shall be appointed under the provisions of this Regulation, the Governor in Council will determine whether the commission shall be placed under the control of the Sudder Adawlut, or shall act immediately under the authority of Government: in the former case the commissioners are to apply to the Court of Sudder Adawlut for any instructions which they may require in the execution of the duty entrusted to them, for which provision may not have been expressly made by the present, or any other Regulation, and the Court above-mentioned is empowered to pass such orders on the subject, as may appear to be most consonant to the general principles of equity, and most conducive to the purposes of substantial justice; provided, however, that if any doubt or difficulty should arise in the conduct of such investigations, for which it may appear to be advisable to make provision by a general Regulation, the said Court shall prepare the necessary draft of a Regulation for the purpose, and submit it to the Governor in Council, for his consideration.

General control over all commiſſions under this Regulation to be veſted in the Court of Sudder Adawlut or Governor in Council, as the latter ſhall determine.

Sudder Adawlut empowered to inſtruct the commiſſioners on points not provided for when the control is veſted in that court.

Proviſion for ſubmitting to Government any new Regulation which may appear adviſable in ſuch caſes.

Second.—All commissioners appointed to act immediately under the authority of Government shall be guided by the instructions which they may receive in this behalf from the Governor in Council, and in cases where it may appear advisable to make provision by a general Regulation for the removal of all doubts and difficulties which may arise in the conduct of the investigation, the commissioners shall be competent to propose the draft of a Regulation for the purpose, and to submit it to the Governor in Council for his consideration and orders.

Governor in Council to iſſue inſtructions to commiſſioners under his control.

And commiſſioners in ſuch caſes to ſubmit any new Regulation which may appear adviſable.

Third.—Provided, however, that in any case wherein the commissioners shall entertain doubts of the intent or meaning of any provisions of this Regulation, they shall submit the point for the consideration of the Sudder Adawlut, and shall be guided by the determination passed by that Court.

Sudder Adawlut in all caſes alone empowered to explain to commiſſioners the true meaning and intent of the Regulation, when doubts occur with reſpect to the conſtruction to be put upon them.

Fourth.—Provided further, that whenever Government shall determine that the commission to be appointed under the provisions of this Regulation, shall not be placed

Whenever Commiſſioners are placed under control of the Governor in Council

and not of the Sudder Adawlut, two ſhall be appointed, one of whom at leaſt to be ſelected from the judicial department.

placed under the control of the Sudder Adawlut, such commission shall in no case consist of less than two persons, one of whom at least shall be selected from among the officers in the judicial department of the service.

Government will determine whether the accuſed ſhall be ſuſpended or permitted to draw his eſtabliſhed allowances.

XI. Whenever a special commission may be appointed under the provisions of this Regulation for the investigation of charges exhibited against a public officer, the Governor in Council will determine, on a view of the nature and circumstances of the case, whether the accused shall be suspended from the discharge of the functions of his office; and if so, whether he should be permitted to draw the established allowances of his office, or otherwise.

Government will determine whether the proſecution ſhall be conducted by the accuſer or otherwiſe.

XII. Whenever a charge shall be referred for investigation to a special commission, the Governor in Council will determine whether the conduct of the prosecution shall be left to the accuser, or be undertaken on the part of Government. In the latter case, the Governor in Council will nominate such person or persons as may be deemed proper, to bring the evidence in due order before the commission, to attend the proceedings, and conduct the prosecution on the behalf of Government.

General duty of the commiſſioners on ſuch inveſtigation.

XIII. *First.*—It shall be the general duty of commissioners appointed under this Regulation, after receiving the plaint, or charge, and this document from which the same may have been prepared, to call upon the person accused for his reply to the accusation; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser, or the accused, as having knowledge of any facts relative to the charges or defence; to receive any further written documents offered in support of, or against the accusation, and to call for and take any further requisite evidence which may be indicated by the witnesses adduced, or documents exhibited by either party, and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges, or of any part thereof.

Breach of oath liable to the penalties of perjury.

Second.—The wilful and corrupt breach of the oath taken before any commission in virtue of the above Clause, shall subject the offender to the same penalties to which the crime of perjury, as defined in Sections XIII, XIV, and XV, of Regulation III, A. D. 1802, is liable, of which the commissioners before whom the oath is administered shall previously apprize the witness.

Powers veſted in the commiſſion.

XIV. For the discharge of the duties specified in the preceding Section, or any other functions which may be delegated to a commission constituted under this Regulation, it shall be vested with the same powers as are exercised by the Zillah and City Courts, and if a witness duly summoned shall not attend, or shall refuse to be sworn, or to give evidence, or to subscribe his deposition, provided in all cases that such evidence shall not tend to criminate himself, he shall be sent to the Judge of the Zillah Court to be confined as prescribed by the Regulations in similar cases in the several Courts of Judicature.

Accuſed and accuſer to be at liberty to record obſervations at the cloſe of the evidence.

XV. On the close of the evidence in support of the prosecution, and in defence of the accused, he shall be at liberty to record any observations upon the result of the inquiry which he may think necessary for the vindication of his conduct and character; the accuser, or person appointed to conduct the prosecution on the part of Government, shall also be at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

Commiſſioners to tranſmit proceedings, and report to the ſuperintending authorities on the merits of the caſe.

XVI. When the proceedings of the commission shall have been concluded, as soon afterwards as circumstances may admit, the commissioner or commissioners shall transmit to the Governor in Council, or Sudder Adawlut, as the case may be, the whole of the proceedings held, and documents received (accompanied with translations of papers not in the English language); together with a summary of pleadings and evidence, and his or their opinion on the merits of the case.

Proceedings and report to be ſubmitted to Government by the ſuperintending authorities as they may deem requiſite, with their opinion thereon.

XVII. The Sudder Adawlut, when the commission shall be placed under that Court, after duly considering the proceedings and the report transmitted to it under the preceding Section, and after calling for any further evidence which may appear obtainable and requisite, shall submit the whole of the proceedings and documents received, to the Governor in Council, with the opinion of the Court whether any and what facts charged against the party accused appear to have been established.

Government will decide on the caſe, but ſuch deciſion not to preclude perſons

XVIII. The Governor in Council, on consideration of the report and proceedings submitted to him in pursuance of the foregoing Sections, XVI, and XVII, will pass such decision on the case, as may appear to him most consonant to the principles of justice

and

and to the constitutional powers possessed by Government in matters of this description; provided, however, that if in any case it shall appear to the Governor in Council necessary that further evidence shall be taken, or that a further explanation be given by the commissioners of their sentiments on any point connected with the case investigated by them, it shall be competent to the Governor in Council to direct the commissioners accordingly; and the commissioners shall be authorized and required to take such further evidence, as far as the same may be attainable, and to furnish such further explanation as may be required; and in the event of the Governor in Council deeming it necessary that the party accused should be brought to trial by a public prosecution in the King's Court, he will issue the necessary instructions for that purpose to the law officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Government, individuals deeming themselves aggrieved by any of the public officers will be at all times at liberty to seek redress in the King's Court in the mode prescribed by law.

deeming themselves aggrieved from seeking redress in the King's Court.

XIX. In cases in which it shall appear on a full investigation of the merits of the case, that the charges on complaints preferred against any of the European officers above-mentioned, are well founded, the person by whom they may have been preferred, shall be at liberty to submit an application to the Governor in Council, or the Sudder Adawlut, praying a reimbursement of the expense which may have been incurred by him in the conduct of the prosecution; and when such petition may be presented to the latter, it shall be forwarded to Government, with their opinion as to the propriety of indemnifying the party for the expense so incurred, or otherwise. The Governor in Council will of course on receipt of any such reference, as well as on direct applications being made, consider and determine whether it be advisable to comply with the application in question; but it is to be clearly understood, that Government does not pledge itself to indemnify any person for the expense which may be incurred on occasions of the above nature, whatever may be the result of the investigation, except in cases in which the Governor in Council, in the exercise of a sound discretion, may deem it proper and expedient to do so.

How applications for reimbursement of expenses incurred in such cases, are to be preferred and decided upon.

A. D. 1819. REGULATION V.

A REGULATION to modify and extend the Rules in force which prescribe an Oath of Office to be taken by certain Native Officers; to explain and amend other Provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts; and for extending the principles of Regulation IV, 1819, to the Native Servants of every denomination:—Passed by the Governor in Council of Bombay, on the 14th of July 1819, corresponding with the 7th Assad Vud, Sumbut or Vikramajit era 1875; Salbahan 1741; and 20th Ramzan 1234 of the Hijree.

WHEREAS with a view to maintain the sanctity and obligation of an oath by confining the requisitions of it to cases in which an oath may be necessary for the validity of evidence and due administration of justice, it appears expedient to modify the rules in force which prescribe an oath of office to be taken by certain native officers of Government, and to extend it to others; at the same time explaining and amending the existing provisions for civil actions against the law officers and ministerial native officers of the Courts of Judicature, in cases of alleged corruption and extortion: and whereas it is proper that the same provisions should extend to all inquiries ordered by Government into the conduct of any of its native servants, which are enacted by Regulation IV, A. D. 1819, for inquiries into the conduct of European servants, the following Rules have been enacted, to be in force as soon as promulgated throughout the territories dependent on the Presidency of Bombay.

Preamble.

II. *First.*—Such parts of the Regulations in force, as direct that the law officers, or ministerial officers of the Courts of Judicature, civil or criminal, shall take and subscribe an oath previously to their entering upon the discharge of the duties of the office to which they may be respectively appointed; or which, in like manner, prescribe an oath of office to be taken by the moonsiffs and sudder aumeens, and

Rules in force respecting a prescribed oath to be taken by certain native officers declared subject to modification.

by the native pleaders attached to the Civil Courts, are hereby declared subject to the following modification.

A ſolemn declaration ſubſtituted for the preſcribed oath in ſuch caſes.

Second.—Instead of the prescribed oath, which is required by the Regulations in force, the several native officers referred to in the above Clause, shall hereafter make and subscribe, in open court before the Judges, a solemn declaration to the same effect with the form of oath heretofore prescribed, except that the word "declare" shall be substituted for "swear," and that the declarer shall not be sworn thereto.

By whom ſuch declarations to be atteſted, and the above rule to be enforced.

Third.—The Judges before whom such declarations are required to be made and subscribed, shall attest the same as publicly read and subscribed before them, in pursuance of the above Clause, and shall be careful to enforce a due observance of the rules therein contained by the native officers appointed to act under them respectively.

To what native officers the rules ſo modified are meant to extend.

III. With the modification contained in the preceding Section, the rules in force, which require that certain native officers attached to the Civil and Criminal Courts of Judicature, shall take and subscribe an oath solemnly engaging to perform the duties of the office, committed to them, faithfully and uprightly according to the Regulations, are hereby declared to extend to the native record keepers and tehouldars, or native treasurers of the Civil and Criminal Courts, though not specifically named in Section IV, Regulation IV, 1800, as well as to all the other native officers of Government, employed in the judicial, revenue or commercial departments, or in any public office whatever, holding any situation of trust and responsibility in the public service.

Proviſions for an oath be taken half-yearly by the Mohommedan law officers of the civil and criminal courts reſcinded.

IV. The second Clause of Section V, Regulation V, 1800, and Section VI, Regulation VIII, 1812, with any other provisions in the existing Regulations, which require Mohommedan and Hindoo law officers of the Civil or Criminal Courts to take and subscribe an oath on the 1st of January and 1st July of each year, are hereby rescinded.

Explanation of proviſions in force for a civil action againſt the law officers and miniſterial native officers of the courts of judicature in caſes of alleged corruption or extortion.

V. *First.*—In explanation of the provisions for civil action against the law officers and ministerial native officers of the Courts of Judicature, contained in Regulations IV, and V, 1800, it is hereby declared that those provisions, the principal object of which is to enable individuals who may be aggrieved by any of the native officers in question, to obtain redress by an action in the Civil Courts, are not meant to preclude a criminal prosecution in cases of corruption, extortion or embezzlement, which may appear to call for exemplary punishment.

In what caſes a law officer or miniſterial native officer may be proſecuted in the criminal courts on a charge of corruption, extortion or embezzlement.

And to what penalties liable on conviction.

Second.—Whenever a law officer or ministerial native officer may not, by the result of a civil action, have been subjected to the penalties for corruption or extortion provided for in the above Regulations, and there may appear to be sufficient grounds for a criminal prosecution against any such officer, on a charge of corruption, extortion or embezzlement, he is hereby declared liable to a criminal prosecution before the Criminal Judge and Court of Circuit, as provided for in other cases of misdemeanor by the Regulations, and on conviction before a Court of Circuit or the Court of Superior Tribunal, he shall be subject to discretionary punishment to the extent, and under the provisions stated in Section III, Regulation VIII, 1813, with respect to native officers convicted of making use of the public money entrusted to their care.

Report to be made to Government in ſuch caſes.

Third.—Section VIII, of the Regulation above-mentioned, directing a report of convictions and sentences to be made to the Governor in Council, for the purpose of enabling him to determine whether the guilty persons should be declared incapable of again serving Government, shall also be considered applicable to any convictions and sentences under the present Section.

Proceeding to be adopted for the recovery of money or property depoſited in the civil and criminal courts and embezzled by the native officers.

VI. *First.*—The Regulations in force not containing any provision for a summary proceeding to inquire into and recover embezzlements of money, or other property paid into or deposited in the Civil or Criminal Courts of Judicature, or received by the nazir, khazanchy or other native officers of those Courts, in execution of decrees, or on account of deposits, or on any other account in their official capacity: and it appearing expedient that provision should be made for this purpose, as well as for compelling the native officers of the Civil or Criminal Courts to deliver up any public

accounts

accounts which may have been kept and withheld by them, the following Rules are enacted for this purpose.

A ſummary inquiry to be inſtituted in ſuch caſes by the judge or judges of the court.

Second.—Whenever any native officer attached to a Civil or Criminal Court may be charged with having embezzled any money or other property paid into, or depoſited in the Court to which he is attached, or received by him in his official capacity in execution of a decree, or on account of a deposit, or any other account whatever or whenever the Judge or Judges of a Civil or Criminal Court may have reason to ſuspect any ſuch embezzlement on the part of a native officer attached to the Court, they ſhall immediately inſtitute a ſummary inquiry to ascertain the truth of ſuch charge or ſuſpicion, and ſhall at the ſame time require the native officer accuſed or ſuſpected, to give ſufficient ſecurity for his attendance during the inquiry. In the event of ſuch ſecurity not being given, and of its appearing neceſſary to keep the officer in cuſtody pending the inquiry, it ſhall be competent to the Judge or Judges to order the ſame, and to keep the party in cuſtody of peons or to confine him in the gaol of the zillah until he ſhall give the required ſecurity, or his detention appear no longer neceſſary.

Security to be required for the attendance of the native officers.

Or the officer to be kept in cuſtody.

On proof of embezzlement the amount how to be recovered.

Third.—When the ſummary inquiry has been completed, if it be eſtabliſhed thereby that any money or other property has been embezzled by the perſon accuſed or ſuſpected in his official capacity, he ſhall be required to pay the ſame into Court within ſuch time as may be limited for that purpoſe; and on his failure to comply with ſuch requiſition, it ſhall be recoverable from him as well as from his ſurety, if he ſhall have given ſecurity on account of the office held by him, by the uſual proceſs of recovery in execution of judgments of the Civil Courts.

The ſame courſe to be purſued when public accounts may be withheld by native officers.

Fourth.—A ſimilar mode of proceeding ſhall be obſerved when a native officer attached to any Civil or Criminal Court of Judicature, may withhold any public accounts which it is his duty to prepare and furniſh; and the ſummary judgment in ſuch caſes ſhall not only order the immediate delivery of the accounts withheld, but ſhall alſo impoſe ſuch fine to Government as may appear juſt and proper, on conſideration of all the circumſtances of the caſe, and the ſituation of the party.

A ſummary appeal may be admitted by the provincial court from deciſions paſſed in ſuch caſes by the zillah and city judges.

Fifth.—Any perſon diſſatisfied with the judgment of the Zillah Court, given under the proviſions of this Section, ſhall be at liberty to prefer a ſummary appeal thereupon to the Provincial Court; and provided ſufficient ſecurity be given for performing the decree of the Provincial Court on the appeal, the deciſion of the Zillah Court ſhall not be carried into execution till confirmed by the Provincial Court.

And by the Sudder Adawlut from the deciſions of provincial courts.

Sixth.—In like manner, if the original ſummary judgment be paſſed by the Provincial Court, a ſummary appeal ſhall lie to the Court of Sudder Adawlut; and the decree of the Provincial Court ſhall not be executed till it is affirmed by the Sudder Adawlut, if ſufficient ſecurity be given to perform the judgment of the latter Court on the appeal.

Proviſo.

Seventh.—Provided, however, no final ſummary judgments, given under the proviſions of this Section, ſhall be open to a further regular ſuit, but ſhall be held concluſive upon the merits of all caſes ſo adjudged.

Commiſſioners to be appointed, and to inquire into the conduct of all natives in the ſame manner as is provided for by Regulation IV, A. D. 1819, in reſpect to European ſervants.

VII. *First.*—Whenever it ſhall be expedient or neceſſary that a general previous inquiry into the conduct of any native ſervants of Government ſhall be entered upon, it ſhall be competent (under the ſpecial authority of Government for that purpoſe) to any commiſſioner or commiſſioners appointed by Government, to conduct the ſame under the rules preſcribed by Regulation IV, A. D. 1819, for inquiring into the conduct of European ſervants, which are hereby declared applicable to them.

Native officers of Government to be proſecuted in the Courts of the juriſdiction wherein they reſide or have been employed.

Second.—Provided, however, that the proſecutions which may ultimately take place againſt native public officers of Government, ſhall be laid in the eſtabliſhed Courts of Judicature within the juriſdiction in which they may reſide or have been employed.

A. D. 1819. REGULATION VI.

A REGULATION for rescinding such part of Section XL, Regulation IV, of 1818, as may be construed to restrict the authority of Assistant Magistrates to the Towns in which they may be deputed to reside :—Passed by the Governor in Council of Bombay on the 14th July 1819, corresponding with the 7th Assad Vud, Sumbut or Vikramajit Era 1875; Salbahan 1741; and 20th Ramzan 1234 of the Hijreee.

Preamble.

WHEREAS inconvenience has arisen from the restriction, which by Section XL, Regulation IV, 1818, is imposed on the discretion to be exercised by magistrates in delegating authority to their assistants, such authority being expressly limited to the jurisdiction of the town in which the said assistants may be deputed to reside; and whereas it has been judged expedient to remove this restriction, and to authorize magistrates to make over the whole, or any part of their duty as magistrates to their assistants, and to depute them to hold their offices in any part of their zillahs which may be deemed proper; the following Rules have been enacted.

Part of Section XL, Regulation IV, of 1818, rescinded, and magistrates authorized to delegate to their assistants the whole or any part of their duty.

II. Such part of Section XL, Regulation IV, 1818, as may be construed to restrict the authority of assistant magistrates to the town in which they may be respectively deputed to reside, is hereby rescinded; and zillah magistrates are hereby declared to be authorized to delegate to their assistants the whole, or any part of their duty as magistrates, and to depute them to hold their offices in any of the districts within their several jurisdictions which may be deemed proper.

A. D. 1819. REGULATION VII.

A REGULATION to amend a part of Section III, Regulation III, 1819, defining the Jurisdiction to which the ceded and conquered Territories recently annexed to the Bombay Presidency shall be subject:—Passed by the Right honourable the Governor in Council on the 4th day of August 1819, corresponding with the 13th Shravan Sood, Sumbut or Vekramajit Era 1875; Salbahan 1741; and 12th Shaval 1234 of Hijree.

Preamble.

WHEREAS by Clause II, Section III, Regulation III, 1819, sixteen villages dependent on the pergunna of Dholka, and situated east of the Saburmatty river, have been annexed to the Western Zillah North of the Myhee; and whereas it will be conducive to the better administration of these villages to annex them to the Eastern Zillah, and thereby preserve the line of boundary between the two zillahs as formed by the Saburmatty river; the following Enactment has been passed, to have effect from the same date as Regulation III, 1819.

Part of Clause II, Section III, Regulation III, 1819, rescinded, and the sixteen villages in the Dholka Purgunna thereby annexed to Western, made a part of the Eastern Zillah North of the Myhee.

II. So much of Clause II, Section III, Regulation III, 1819, which directs that the portion of the Dholka Purgunna, being sixteen villages, situated to the east of the Saburmatty river, shall form a part of the Western, or Ahmedabad Zillah, is hereby rescinded; and the said sixteen villages are hereby annexed to the Eastern Zillah North of the Myhee.

A. D. 1819. REGULATION VIII.

A REGULATION for modifying some of the existing Rules relative to the requisition of security for good Behaviour, and for prescribing Rules for the guidance of the Courts of Criminal Judicature, in cases when persons held to bail may not attend, and when Sureties for the good Behaviour of Individuals have failed in their engagements:—Passed by the Right honourable the Governor in Council of Bombay on the 1st of September 1819, corresponding with the 12th Bhadrapud Sood, Sumbut or Vikramjit Era 1875; Salbahan 1741; and 10th Zilkaad 1234 of the Hijree.

Preamble.

WHEREAS it has been deemed expedient to define the powers to be exercised in future by the Criminal Courts, in requiring security for the good behaviour of persons of a suspicious livelihood, or of notoriously bad and dangerous character: and

and whereas it is necessary to prescribe rules for the guidance of the Criminal Courts in respect to the manner in which they are to proceed, when persons held to bail may not attend before the Court of Circuit; and also to render them applicable to cases wherein the sureties of persons for good behaviour may be liable to the forfeiture of their recognizance.—The following Rules have been passed, to take effect from the date of their promulgation throughout the Provinces subject to the Presidency of Bombay.

Nature of the order to be paſſed by the criminal courts on requiring ſecurity for good behaviour from perſons of notoriously bad character.

II. In every instance in which security for good behaviour may be hereafter required, whether by the Zillah Magistrates, Criminal Judges, the Court of Circuit, or the Superior Tribunal, the amount of the security, the number of sureties (to be fixed at the discretion of the Magistrate or of the Court requiring the security), and the period of time for which the sureties are to be reponsible for the good conduct of the prisoner shall be fixed, and determined.

Period of time for the eventual detention of ſuch priſoners, to be fixed.

Exception.

III. The period of time during which such prisoners may be made liable to detention in custody, on failure to furnish the security required from them, shall hereafter be specifically fixed in every instance, except in those cases in which the prisoner may appear to be a notorious robber of a character so dangerous as to render his release, without security, evidently unsafe and objectionable.

Criminal judge empowered to releaſe priſoners although the ſecurity be not furniſhed, if the order of detention ſhall have been paſſed by perſons exerciſing the functions of magiſtrate.

IV. *First.*—The Criminal Judges are hereby empowered, at all times, to exercise their discretion in releasing without reference to any other authority, prisoners confined under requisition of security for their good behaviour, whether by their own orders or by those of any other person discharging the functions of a magistrate; provided the Criminal Judges shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

But not to exercise that authority if the order ſhall have been paſſed by the courts of circuit or by the ſuperior tribunal.

Second.—In cases in which a Criminal Judge may, for whatever reason, be of opinion that any prisoner confined under requisitions of security, or good behaviour, by order of a Court of Circuit, or of the Superior Tribunal, can be safely released without such security, the Criminal Judge shall either bring the case before the Court of Circuit at the next ensuing gaol delivery, as prescribed in Section XVII, Regulation IX, 1812, or shall make an immediate report of the case with his sentiments, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

Limitation with regard to the removal of priſoners confined for ſecurity, from one diſtrict to another.

V. *First.*—No prisoner detained under requisition of security in the zillah in which he has been accustomed to reside, or in which he may have been apprehended, shall be removed to the gaol of a different zillah, unless the Superior Tribunal shall sanction the removal in compliance with the prisoner's own request, and with a view to enable him the more easily to furnish the security required.

Exception to the foregoing rule.

Second.—The foregoing rule, however, shall not be construed to preclude the removal of such prisoners from one station to another, in cases in which a due regard to the health of the prisoners or to their safe custody, or other emergent circumstances, may, in the judgment of the Superior Tribunal, render that measure necessary or advisable.

On what conditions ſureties may be diſcharged from their reſponſibility.

VI. It is hereby declared, that individuals who may become sureties for the good behaviour of prisoners, may at all times obtain a discharge from their future responsibility, by delivering up, or causing to be delivered up, the persons for whom they may have become responsible, to the proper authority or police officer; and that they will not be made responsible for the amount of the security bond in cases in which they may give timely information to the Magistrate or Criminal Judge of the zillah, that the individuals for whom they may have become sureties, have taken to bad courses, and may use every exertion in their power, to the satisfaction of the magistrate, for the apprehension and surrender of such individuals.

The period of detention for ſecurity in ordinary caſes, decided by the magiſtrate, not to exceed one year.

VII. *First.*—Whenever the Criminal Judges under the authority vested in them, by the existing Regulations, may require security for the good behaviour of a prisoner, they shall (in all cases in which they may judge it safe to do so) provide in their order for the release of the prisoner at the end of a definite period, not exceeding twelve months.

The judge of circuit holding the ſeſſions may examine the proceedings of the magiſtrate in ſuch caſes,

Second.—It shall not be necessary for the Judge of Circuit holding the sessions, to revise the proceedings of the Criminal Judge in such cases, except on petitions presented by the prisoners, when the Judge of Circuit holding the sessions is directed and empowered

on petitions presented to him by the prisoners.

empowered to call for the proceedings, and on his own authority to annul, modify or confirm the orders of the Criminal Judge.

And may annul, modify, or confirm the orders of the criminal judge.

Criminal judge how to proceed in cases in which it may appear unsafe to release, without security, prisoners of highly dangerous character, at the expiration of the period above limited,

VIII. *First.*—In all other cases in which the Criminal Judge may be of opinion, from the evidence to general character adduced before him, that the prisoner is by habit a robber, burglar or thief, or a vender or receiver of stolen property, knowing the same to have been stolen, of a character so desperate, dangerous or irreclaimable, as to render his release without security, at the expiration of the limited period of twelve months above specified, hazardous to the community; the Criminal Judges shall record his opinion to that effect, with an order, specifying the amount of security which should in his judgment be required from the prisoner, as well as the number of sureties, and the period for which the sureties should be responsible for the prisoner's good behaviour.

If due security be not furnished by the prisoner before the next sessions, the proceedings in the case to be laid before the judge of circuit.

Second.—If the prisoner shall not furnish the security so required, before the next sessions of the Court of Circuit, the whole of the proceedings shall be laid before the Judge of that Court, who, after examining them and requiring any further evidence which he may judge necessary, shall be competent from his own authority to pass orders on the case, either confirming, modifying or annulling, the orders of the Criminal Judge, as he may deem proper and equitable.

Orders to be passed by the court of circuit if it shall not appear safe to direct the immediate discharge of such prisoners.

Third.—In all such cases, if the Judge of Circuit shall not think it safe to direct the immediate discharge of the prisoner, he shall fix a limited period for his provisional detention (in the event of the prisoner not giving the security required from him) which period shall never exceed three years, except in the cases hereafter specified.

Orders to be passed by the court of circuit, if the prisoner shall appear to be a notorious robber.

IX. *First.*—In cases in which the Judge of Circuit shall, from the proceedings before him, consider the prisoner to be a notorious robber of desperate or dangerous character, whom it would be unsafe to set at liberty without a substantial security for his future good behaviour, and who, therefore, in default of giving such security should be confined indefinitely, he shall declare and order the same accordingly.

Further provisions for such cases.

Second.—In these cases, however, the Judge of Circuit shall nevertheless fix the amount of the security to be required from the prisoner, and shall provide in his order that if the prisoner shall not be able to furnish the security required within the period of three years from the date of such order, the prisoner in question shall be again brought up before the Judge of Circuit who may hold the sessions of gaol delivery immediately following the expiration of the period of three years above specified, whose duty it will be, after examining the proceedings and making any further inquiries he may judge necessary, to determine whether the prisoner shall then be released, or whether he shall be again remanded, either on the same terms as before or on any modified terms favourable to the prisoner.

Rule to encourage respectable individuals to become sureties for such prisoners.

Third.—With a view to encourage respectable individuals to become sureties for prisoners of the description alluded to in the foregoing Clauses of this Section, the period for which the sureties are to be responsible for the good behaviour of individuals, shall be, in all cases, limited to three years, subject, however, to the condition, that the sureties, at the expiration of that period, shall be bound to deliver up the individuals to the Criminal Judge.

Ditto.

Fourth.—When individuals shall be surrendered by their sureties under the foregoing rule, the Criminal Judge shall ascertain whether the former surety is willing again to become responsible for the future good behaviour of the prisoner, for a further period not exceeding three years; and in the event of the surety being willing to become again responsible for the conduct of the prisoner, the Criminal Judge shall accept the security, and release the prisoner on the same terms as before.

Ditto.

Fifth.—If the former surety shall decline to become again responsible for the prisoner, and the prisoner shall be unable to furnish any other sufficient security, the Criminal Judge shall detain him in custody until the ensuing sessions, when the prisoner is again to be brought before the Judge of Circuit for such further orders as he may consider it proper to pass in the case.

Criminal courts how to proceed when persons held to bail may not attend before the Court of Circuit.

X. *First.*—Whenever a person held to bail for his appearance before a Court of Circuit shall neglect to attend at the appointed time, the Criminal Judge shall call upon his surety or sureties to produce him, and on their failure, shall report the case, with

with reasons assigned by the surety or sureties for the non-fulfilment of their engagement, to the Judge of the Court of Circuit holding the session of gaol delivery, who will determine and instruct the Criminal Judge whether the penalty of the security bond shall be immediately enforced, or whether a further time shall be allowed to the surety or sureties to produce the person for whom they are responsible.

Rules for recovery of the penalty from the surety or sureties.

Second.—When the Judge of Circuit, on consideration of the report of the Criminal Judge, shall direct the enforcement of the security bond, the Criminal Judge shall proceed to recover the amount of the penalty from the surety or sureties by the attachment and sale of any property belonging to them, in the mode prescribed for the satisfaction of the decrees of the Civil Court; or if the amount demandable from the surety or sureties be not paid, and cannot be realized from any property belonging to them, they shall be liable to confinement by order of the Criminal Judge, in the civil gaol of the station, during a period not exceeding six months.

Courts to proceed in same manner, when sureties for good behaviour have forfeited their recognizance.

XI. The rules contained in the foregoing section are hereby also declared applicable to cases wherein the surety or sureties for the good behaviour of a person, may have failed in their engagement, so as to make them liable to the forfeiture of their recognizance.

A. D. 1819. REGULATION IX.

A REGULATION for amending and modifying certain provisions of the Regulations in force relating to the administration of Criminal Justice:- Passed by the Honourable the Governor in Council of Bombay on the 17th of November 1819, corresponding with the 15th of Kartick Vud, Sumbut or Vikramajet Era 1876; Salbahan 1741; and the 28th of Mohurrum 1235 of the Hijree.

Preamble.

WHEREAS serious inconvenience has been found to arise under the operation of the rule which disqualifies servants of the Government from attesting confessions, or confirmations of former confessions made before the officers of justice, by persons charged with the commission of criminal acts; it has therefore been deemed expedient, in order to facilitate the administration of public justice, that such disqualifications should be removed: and whereas other modifications and additions have been judged necessary to be made to the existing Regulations relating to the administration of Criminal Justice; the following Rules have therefore been passed, to be in force from the date of promulgation.

Certain provisions of Regulation III, and IV, of 1818, rescinded.

II. Such parts of Section XXIV, Regulation III, of 1818, and Clause third Section XXVI, Regulation IV, of 1818, as prohibit persons being servants of the Government from attesting confessions made by prisoners before magistrates of zillahs or koomashdars; and such parts of Section L, Regulation III, 1818, as prohibit persons being servants of the Government from attesting confessions or confirmations of former confessions made by prisoners before the Criminal Judges of zillahs, are hereby rescinded.

Modification of part of Section XX, Regulation III, of 1818.

III. In modification of the provisions contained in Section XX, Regulation III, of 1818, regarding the payment of specific rewards, it is hereby enacted, that all specific rewards offered for the apprehension of persons proclaimed by name, shall be payable on the delivery of the persons so proclaimed to the Zillah Magistrate or Criminal Judge by whom the proclamation may have been issued, or the Zillah Magistrate or Criminal Judge in whose jurisdiction they may have been apprehended.

Section XLIII, and XLIV, of Regulation IV, of 1818, rescinded.

IV. Section XLIII, and XLIV, Regulation IV, of 1818, are hereby rescinded.

Police officers liable to a civil action or criminal prosecution for abuse of authority.

V. *First.*—For extortion, oppression or other abuse of authority, all native officers of police shall be liable to be sued in the Civil Court or to be prosecuted in a Court of Criminal Judicature.

Extent to which police officers may be punished by a zillah magistrate for abuse of authority.

Second.—Whenever a charge of this nature may be preferred before a zillah magistrate, and be proved by sufficient evidence to his satisfaction, he is hereby empowered to punish the offender by a fine not exceeding fifty rupees, or by imprisonment for a term not exceeding one month.

Cases in which they are to be forwarded to the criminal judges.

Third.—In all cases wherein the measure of punishment specified in the preceding Clause shall appear to be insufficient, the party accused shall be forwarded to the Criminal Judge to be by him dealt with according to the general Regulations.

Criminal judges empowered in cases of theft to adjudge to hard labour for the prescribed term of imprisonment.

VI. *First.*—In addition to the powers of punishment vested in the Criminal Judges by Clause first, Section XLVII, Regulation III, of 1818, it shall be competent to them in cases of theft, to adjudge hard labour during the prescribed term of imprisonment, whenever it may be deemed necessary.

Powers of junior assistants to the criminal judges explained.

Second.—The senior assistants to the Criminal Judges having co-extensive judicial powers with the Criminal Judges, it is hereby explained that the second and third Clauses of the Section quoted in the above Clause are solely applicable to the junior assistants to the Criminal Judges.

Section LVI, Regulation III, of 1818, rescinded.

VII. *First.*—Section LVI, Regulation III, of 1818, is hereby rescinded.

Depositions to be taken and written in the language of the zillah or in that with which the party is most conversant. Papers to be accompanied with translations in English in cases of commitment only.

Second.—All examinations and depositions are to be taken and written in the language usually spoken in the country, or in that with which the party may be most conversant; and the Criminal Judges shall in all cases of commitment, and in such cases only, accompany all papers written in the native languages with translations in the English language attested by themselves, and for the accuracy of which they are declared to be responsible.

A. D. 1819. REGULATION X.

A REGULATION for amending Regulation I, 1812, for the trial of persons charged with crimes against the State :—Passed by the Governor in Council on the 24th of November 1819, corresponding with the 7th Magseer Sood Sumbut, or Vekramajet Era 1876; Salbahan 1741; and the 5th Suffer 1235 of the Hijree.

WHEREAS in the enactment at this Presidency of Regulation I, 1812, the provisions of Regulation IV, 1799, of the Bengal code were adopted, without adverting to the principles which distinguish the Bombay system of judicature in the trial of prisoners, according to the law of their religion, by declaring that a special Court for the trial of persons charged with crimes against the state, shall be formed of three Judges "and two Mahomedan Law Officers," thereby excluding the Hindoo law officers in the trial of prisoners of that religion; and whereas it is expedient to render the provisions of Regulation I, 1812, conformable to the principles which govern the administration of criminal law by the Bombay code, the following Enactment has been passed.

Such parts of Regulation I, 1812, which provide for a special court for the trial of crimes against the state being composed of two Mahomedan or other native law officers as judges of that court rescinded.

II. Such parts of Regulation I, 1812, which provide for a special Court for the trial of crimes against the state, being composed of two Mahomedan or any native law officers whatever as judges of such special Courts, are hereby rescinded.

To consist in future of three judges, or such other number as may be thought proper, assisted by two Mahomedan, or two Hindoo law officers, according to the persuasion of the persons to be tried, as expounders of the law, previously taking an oath.

III. Whenever the Governor in Council shall think proper to appoint a special Court, not being the Court of Circuit, for the trial of persons charged with crimes against the state, such special Court shall consist of three judges, or such other number as may be thought proper, to be assisted by two Mahomedan or two Hindoo law officers, according to the persuasion of the person or persons to be tried, to expound their respective laws to the Court, or by such other number of law officers as may be thought proper. Such law officers shall be specially appointed by Government; and previously to entering upon the duties of their office, they shall take and subscribe before the Court, an oath, similar to that prescribed for the law officers of the Court of Circuit in Section V, Regulation VIII, 1812.

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

REGULATIONS

PASSED BY THE GOVERNMENTS

OF

BENGAL, FORT ST. GEORGE, AND BOMBAY,

IN THE YEAR

1820.

(Presented in pursuance of Act 53 Geo. III. c. 155, sec. 66.)

Ordered, by The House of Commons, *to be Printed,*
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REGULATIONS Passed by the Governments of India in the Year 1820:—Presented to the Honourable the House of Commons, in pursuance of an Act of Parliament, 53 Geo. III. c. 155, sec. 66;—Viz.

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N° I. to VII.

Regulation.

I.—For providing that all Sales of certain Talooks made answerable by Sale for arrears of the Zemindar's rent, shall be conducted in the mode prescribed by Regulation VIII. 1819, for the Sales therein described:— - - - - - Passed on the 11th January 1820 - - p. 5

II.—To enable the Magistrate of Hoogly, the Court of Circuit for the Division of Calcutta, and the Court of Nizamut Adawlut, to take cognizance of certain offences committed by Natives within the limits of the Settlements of Chandernagore and Chinsurah:— Passed on the 25th February 1820 - - p. 6

III.—For rescinding some of the provisions of Regulation XI. 1806, and for preventing the practice of pressing Coolies or Begarees:— Passed on the 24th March 1820 - - ibid.

IV.—For declaring the power of the Magistrates to give effect to Military Sentences in certain cases; for providing for the more efficient exercise of the control of the Courts of Circuit over the Sentences of the Magistrates in certain cases; and for amending Clause Second, Section III. Regulation XII. 1818:— - - - - Passed on the 21st July 1820 - - - p. 7

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VII.—For altering the punishment and form of trial, in cases of Dhurna:— Passed on the 8th December 1820 - - ibid.

II.—By the Governor in Council of FORT ST. GEORGE, in the Year 1820;

N° I. to III.

Regulation.

I.—For rescinding Regulation I. of 1808, and for prescribing the rules under which Arrack, Toddy and other spirituous and fermented Liquors shall be manufactured, and sold within the territories subject to the Presidency of Fort St. George, without the limits of the jurisdiction of the Supreme Court of Madras:— - - Passed the 2d June 1820 - - - p. 11

II.—For giving greater publicity to certain Clauses of the Act of the 53 Geo. III. c. 155. p. 15

III.—To prohibit the storing of Tobacco within twenty miles of the limits of the Madras Mettus, except by licensed venders:— - - Passed on the 25th August 1820 - - p. 19

III.—By the Governor in Council of BOMBAY, in the Year 1820;

N° I. to VIII.

Regulation.

I.—For declaring the power of the Governor in Council to provide for the immediate punishment of certain offences against the State by the sentence of Courts Martial: Passed on the 16th February 1820 - - p. 21

II.—For explaining Regulation I. A. D. 1818, entitled a Regulation for imposing a Duty on all Opium made out of the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay; for the more effectually preventing the clandestine importation of Opium into the town and island of Bombay, and into any port or place whatsoever, within the authority of the Governor in Council of Bombay, or within the limits of the territories dependent on the Presidency of Bombay - - - - Passed on the 10th May 1820 - - - p. 22

Regulation.

III.—For annexing to the Zillah of South Concan certain villages on the sea coast in Paut and Ajgaon turufs of the Sawunt waree district, formerly composing part of the territories of the Sawunt waree State and ceded to the Honourable East India Company, and for fixing the Sudder station of that Zillah:— - - - - Passed on the 17th May 1820 - - p. 25

IV.—For withdrawing from the jurisdiction of the Regulations of Government the Talooka belonging to the Chieftain of Balaseenor and Veerpoor:— Passed on the 2d August 1820 - p. 25

V.—For abolishing the Provincial Court of Appeal and adapting the powers, &c. of the Sudder Adawlut to the change; and for removing the latter Court from Bombay to the city of Surat:— Passed on the 29th November 1820 - p. 26

VI.—For abolishing the situation of Assistant Judge, and for making certain modifications in the constitution and jurisdiction of Zillah Courts:— Passed on the 29th November 1820 - p. 39

VII.—For uniting the powers and functions of the Provincial Court of Circuit and the Superior Tribunal, in a court to be styled the Sudder Foujdaree Adawlut; to fix the seat of his court at Surat; and to provide for the appointment of the Judges, and also for prescribing the duties of the court and extending the powers of the Criminal Judges:—Passed on the 29th November 1820 - p. 42

VIII.—For rescinding Regulation IX. 1812; and for re-enacting its provisions for the guidance of the Courts of Justice, in case of a difference of opinion on the meaning and construction of the Regulations, in a form to correspond with the existing powers and functions of the Court of Sudder Adawlut and Sudder Foujdaree Adawlut:— - Passed on the 29th November 1820 - p. 51

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*, in the Year 1820.—N° I. to VII.

A. D. 1820. REGULATION I.

A REGULATION for providing that all sales of certain Talooks made answerable by sale for arrears of the Zemindar's rent, shall be conducted in the mode prescribed by Regulation VIII. 1819, for the sales therein described:—Passed by the Governor General in Council, on the 11th January 1820, corresponding with the 28th Poose 1226 Bengal era; the 11th Maug 1227 Fusly; the 29th Poose 1227 Willaity; the 11th Maug 1876 Sumbut, and the 24th Rubee-ul-uwal 1235 Higeree.

Preamble.

WHEREAS it has been omitted to provide in the rules of Regulation VIII. 1819, whether, in case the proprietor of an estate paying revenue to Government, should desire to bring to sale a saleable tenure of the nature defined in Clause First, Section VIII. of that Regulation for the realization of arrears of rent due thereupon, by any legal process, other than that prescribed by the second and third Clauses of the said Section, such sale should be made in the public manner provided for the periodical sales therein described; and whereas it is consonant with justice, and was intended by the said Regulation, that, in every case of the sale of such tenures for arrears of the zemindar's rent, the sale should be public, for the security of the interests of the owner of the tenure sold; which object can in no manner be duly secured, except the sales to be so made, be conducted by an officer of Government, in the same manner as the periodical sales provided for by Section VIII. of the said Regulation: the following additional rule has accordingly been passed by the Governor General in Council, to take effect from the date of its promulgation, within the several districts of Bengal, including Midnapore.

The Rules of Regulation VIII. 1819, for periodical sales for the zemindar's arrears of rent extended to other sales for rent.

II. *First.*—Whenever the proprietor of an estate paying revenue to Government shall desire to cause any tenure of the nature of those described in Clause First, Section VIII. Regulation VIII. 1819, to be sold for arrears of rent due to him on account thereof, and shall, under any summary process authorized by the general Regulations, have acquired the right of causing such sale to be made, the same shall be conducted, after application from the zemindar, by the register or acting register of the zillah or city court, or in his absence by the person in charge of the office of judge of the district, in the mode prescribed by Regulation VIII. above quoted for periodical sales.

Ten days notice to be given by proclamation.

Second.—Ten days notice shall be given before proceeding to sale, by proclamation, to be stuck up at the kucheree of the court, and at that of the collector of the district.

Sections IX. XI. XIII. XV. and XVII. Regulation VIII. 1819, extended to sales under this Regulation.

Third.—The rules of Sections IX. XI. XIII. XV. and XVII. Regulation VIII. 1819, are extended to all sales made after the manner herein provided.

A. D. 1820. REGULATION II.

A REGULATION to enable the Magistrate of Hooghly, the Court of Circuit for the Division of Calcutta, and the Court of Nizamut Adawlut, to take cognizance of certain offences committed by Natives within the limits of the Settlements of Chandernagore and Chinsurah:—Passed by the Governor General in Council, on the 25th February 1820, corresponding with the 14th Phalgoon 1226 Bengal era; the 26th Phalgoon 1227 Fusly; the 15th Phalgoon 1227 Willaity; the 12th Phalgoon 1876 Sumbut; and the 10th Jumadee-ul-awal 1235 Higeree.

Preamble.

THE provisions contained in Regulations I. and XVI. of 1805, in Regulation II. 1808, and Regulation IX. 1809, relative to the administration of civil and criminal justice in the settlements of Chandernagore and Chinsurah, have ceased to be in force since the restoration of those settlements to the respective authorities of their Majesties the King of France, and the King of the Netherlands:—It being however necessary to provide for the cognizance of criminal offences of a heinous nature committed within those settlements by Natives of India, to which offences the jurisdiction of the criminal courts established at the settlements of Chandernagore and Chinsurah does not extend, the following rules have been enacted.

Magistrate of Hooghly empowered to receive into his custody certain persons charged with the perpetration of heinous offences in Chandernagore and Chinsurah.

II. *First.*—The Magistrate of Hooghly is hereby declared competent to receive into his custody, natives of India who may be forwarded to him by the superior authorities of Chandernagore and Chinsurah, charged with the commission of murder, robbery, and other crimes of a heinous nature within the limits of those settlements.

Magistrate how to deal with such persons.

Second.—After due examination into such cases, the Magistrate will either discharge the prisoner, or if he shall find sufficient grounds for that measure, will commit the accused to take his trial before the Court of Circuit for the offence with which he may stand charged.

Not to pass sentence of punishment upon themselves.

Third.—The Magistrate will not himself pass sentence of punishment on the accused, although the nature of the charge may be such as would warrant his doing so under the existing Regulations; but will either commit the prisoner to take his trial before the Court of Circuit, or will discharge him, according to the circumstances of the case.

Competency of the Calcutta Court of Circuit and the Nizamut Adawlut to take cognizance of such cases, and how to pass sentence.

III. The Court of Circuit for the Division of Calcutta, and the Nizamut Adawlut, are hereby respectively empowered to take cognizance of such cases, and to pass such sentence upon the prisoners as may be conformable to the provisions of the Regulations which are now or may hereafter be in force within the province of Bengal.

Period from which the rules contained in this Regulation are to have effect.

IV. The foregoing provisions are hereby declared to be applicable to persons charged with having committed offences of the nature described in Clause First, Section II. of this Regulation, in the interval between the restoration of the settlements of Chandernagore and Chinsurah, and the date of this Regulation.

A. D. 1820. REGULATION III.

A REGULATION for rescinding some of the provisions of Regulation XI. 1806, and for preventing the practice of pressing Coolies or Begarees:—Passed by the Governor General in Council, on the 24th March 1820; corresponding with the 13th Cheyte 1226 Bengal era; the 25th Cheyte 1227 Fusly; the 14th Cheyte 1227 Willaity; the 10th Cheyte 1877 Sumbut; and the 9th Jumadee-us-Sanee 1235 Higeree.

Preamble.

WHEREAS the authority vested by Regulation XI, 1806, in the collectors and their native officers, and in the magistrates and their police officers, to assist in procuring coolies for the purpose of facilitating the march of detachments of troops, or the progress of individual travellers, has operated to encourage the highly injurious practice which prevails, of forcibly pressing certain classes of the inhabitants of the towns and villages, under the denomination of begarees or coolies, for the purpose

of

of carrying baggage or other loads from stage to stage or from village to village; and whereas the Governor General in Council has deemed it expedient to adopt measures for the entire suppression of the said highly objectionable practice, the following rules have been enacted, to have effect throughout the whole of the territories immediately subordinate to the Presidency of Fort William, from the date of their promulgation.

Part of the provisions of Regulation XI. 1808, rescinded.

II. Such part of the provisions of Regulation XI. 1806, as authorize the collectors and their native officers, or the magistrates and their police officers, to give their official aid in procuring coolies for the purpose of facilitating the march of troops, or the progress of civil and military officers, or other individuals travelling through the country, either on the public service or on the private affairs, is hereby rescinded.

The practice of pressing begarees prohibited;

and the magistrates enjoined to put a stop to the practice by all legal means in their power.

III. The practice of pressing or compelling individuals, whether under the denomination of coolies, begarees or any other denomination, to carry burthens, either for the public service or for the convenience of private individuals, is hereby positively prohibited; and the several magistrates and joint magistrates are required to adopt all legal means in their power to put an entire stop to the practice in question, by enquiring fully into all complaints which may be brought before them, and by subjecting persons regularly convicted of the offence, to such penalties as on a consideration of the circumstances of the case may appear to be proper, and consistent with the powers vested in the magistrates by the general Regulations.

A. D. 1820. REGULATION IV.

A REGULATION for declaring the power of the Magistrates to give effect to Military Sentences in certain cases; for providing for the more efficient exercise of the control of the Courts of Circuit over the Sentences of the Magistrates in certain cases; and for amending Clause Second, Section III. Regulation XII. 1818:—Passed by the Governor General in Council, on the 21st July 1820; corresponding with the 7th Sawun 1227 Bengal era; the 25th Assaur 1227 Fusly; the 8th Sawaun 1227 Willaity; the 11th Assaur 1877 Sumbut; and the 10th Sowaul 1235 Higeree.

Preamble.

WHEREAS doubts have been entertained as to the authority of the zillah and city magistrates, under the existing Regulations, to give effect to the sentence of a general court martial, which may adjudge imprisonment with hard labour among the convicts of the civil power; and whereas it has been deemed advisable to provide for the more efficient exercise of the controul of the Courts of Circuit over sentences passed by the magistrates under Regulation XII. 1818: and whereas it has also been deemed advisable to declare, in amendment of Section III. of that Regulation, that in certain cases of theft, the magistrates shall commit the accused for trial before the Court of Circuit, solely with reference to the amount of the property stolen; the following rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the Presidency of Fort William.

Power of the Magistrates to give effect to military sentences.

II. It is hereby declared that any zillah or city magistrate shall be competent to give effect to the sentence of a general court martial, adjudging imprisonment with labour among the convicts of the civil power, on the offender being delivered into his custody, and the sentence being certified to him for the purpose of his giving it effect, by the Judge Advocate General, or his deputy, under the authority of the Commander in Chief; and the sentence so certified shall serve as the magistrate's warrant and authority for carrying it into effect according to the terms of it.

What returns of sentences under Regulation XII. 1818, to be submitted to Courts of Circuit.

III. *First.*—In addition to the rule contained in clause first, Section VI. Regulation XII. 1818, as far as regards the separate list of sentences passed by the magistrates under that Regulation, and thereby required to be submitted to the Court of Circuit at the sessions, it is hereby provided, that monthly statements of such sentences shall be submitted to the Court of Circuit at the sudder station, in such form and manner as the Nizamut Adawlut may direct.

Power of Courts of Circuit to call for cases, on review of such returns.

Second.—It is hereby further provided, that the Court of Circuit at the sudder station, shall be considered competent to call for the proceedings in such cases, where they may see cause, under the general provisions of Section XXIII.

Regulation IX. 1807, without a petition being presented to that effect; and to pass such orders thereon as they may deem proper and consistent with the Regulations; two or more judges being present if the sentence of the magistrate's court be reversed or altered.

Clauſe Second, Section III. Regulation XII. 1818, amended.

IV. In amendment of clause second, Section III. Regulation XII. 1818, it is hereby declared, that in cases of theft where the amount or value stolen shall exceed the sum of three hundred rupees, the amount shall be deemed a circumstance taking the case out of the magistrate's jurisdiction as to passing sentence on the accused; and shall make it necessary for him to commit the accused for trial to the Court of Circuit.

A. D. 1820. REGULATION V.

A REGULATION for imposing a general Custom duty on Tobacco:—Passed by the Governor General in Council, on the 25th of August 1820; corresponding with the 11th Bhadoon 1227 Bengal era; the 2d Bhadoon 1227 Fussily; the 12th Bhadoon 1877 Sumbut; and the 15th Zekaad 1235 Higeree.

Preamble.

WHEREAS it has been deemed expedient, with a view to the improvement of the public revenue, to impose a general custom duty on Tobacco within the territories immediately dependent on the Presidency of Fort William; the Governor General in Council, with the sanction of the Court of Directors of the United Company of Merchants trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force throughout the aforesaid territories from the period of their promulgation.

Part of Regulation IX. 1810, reſcinded.

II. *First.*—So much of Clause First, Section XII. Regulation IX. 1810, as enacts that a duty of ten per cent. shall be levied on the importation of Tobacco into the district of Cuttack, is hereby rescinded.

Part of Regulation I. 1812, alſo reſcinded.

Second.—Section IX. Regulation I. 1812, is likewise hereby rescinded.

Tobacco whether in leaf or in a prepared ſtate, declared ſubject on importation or exportation, to a cuſtom duty of four annas per maund.

III. *First.*—The aforesaid article, whether in leaf or in a prepared state, shall, on its importation or exportation at any port or place within the provinces subordinate to this Presidency, be subject to a custom duty of four annas per maund of forty seer, each seer weighing eighty Calcutta sicca weight.

And alſo to a tranſit duty at the ſame rate.

Second.—The same duty of four annas per maund shall be levied on the transit of the said article from place to place within the provinces subordinate to this Presidency; provided however, that Tobacco which shall have paid the prescribed duty once, whether on importation or transit, shall not be liable to any further duties in passing through the provinces subject to this Presidency, excepting the town or consumption duty payable under the rules of Regulation X. 1810; provided also, that on the exportation of Tobacco on a British bottom to the United Kingdom, a drawback shall be allowed equal to the whole duty which may have been levied under this Regulation, or under the provisions of Regulation X. 1810.

Proviſo, in caſes where the preſcribed duty has been once paid.

Exception as to the town duty payable under Regulation X. 1810.

Proviſo, allowing a drawback on Tobacco exported to the United Kingdom on a Britiſh bottom.

The preſcribed duty on Tobacco to be paid and levied under the rules in force for the collection of Government Cuſtoms, and any breach of them declared ſubject to defined penalties.

IV. The duty prescribed by this Regulation shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government Customs, on the importation, exportation, or transit of goods subject to such duties, and any attempt to import, export or transport Tobacco in breach of the said rules and provisions, shall subject the parties offending to the penalties prescribed in Regulation IX. 1810.

A. D. 1820. REGULATION VI.

A REGULATION for rescinding Sections XLVI. XLVII. and XLVIII. Regulation XLV. 1803.—Passed by the Governor General in Council, on the 25th August 1820, corresponding with the 11th Bhadoon 1227 Bengal era; the 2d Bhadoon 1227 Fussily; the 12th Bhadoon 1227 Willaity; the 2d Bhadoon 1877 Sumbut; and the 15th Zekaad 1235 Higeree.

Preamble.

WHEREAS it being deemed no longer expedient to continue to individuals the privilege of tendering copper for coinage at the Mint at Furruckabad, the following Rule has been enacted, to be in force from the date of its promulgation.

Sections XLVI. XLVII. & XLVIII. Regulation XLV. 1803, rescinded.

II. Sections XLVI. XLVII. and XLVIII. Regulation XLV. 1803, are hereby rescinded.

A. D. 1820. REGULATION VII.

A REGULATION for altering the punishment and form of trial, in cases of Dhurna:—Passed by the Governor General in Council, on the 8th December 1820; corresponding with the 24th Ughun 1227 Bengal era; the 18th Ughun 1228 Fusly; the 25th Ughun 1228 Willaity; the 3d Ughun 1877 Sumbut, and the 1st Rubee-ul-awal 1236 Higeree.

Preamble.

THE offence denominated Dhurna implies, in its received acceptation, the practice of illegal duress by individuals, for the extortion of money, or for the recovery of debts without authority from the civil magistrate; and also, without such authority, for retaining or recovering the possession of land, or for carrying any other point of real, imaginary or pretended interest or right. On the trial of the offence by a Court of Circuit, the existing Regulations require, that, instead of the futwa of the Mahomedan law officer, usual in other trials, a bebusta shall be taken from the Pundit of the Provincial Court, as to the fact of dhurna (according to the received acceptation) being established, or not, by the evidence adduced. But the Pundit of the Provincial Court being stationary at the sudder station of the Court, this mode of trial has been found to be attended with great delay; as well as otherwise unsatisfactory. And it has been ascertained that the act of dhurna is a misdemeanor punishable in Mahomedan law, under the head of Zulm, or oppression. It having accordingly been deemed advisable, that in trials before a Court of Circuit for dhurna, a futwa should be given by the Mahomedan law officer as in other trials, in lieu of the bebusta hitherto taken; and it having also been deemed advisable that the magistrates should have power to pass sentence in minor cases of the offence of dhurna; and further, that the existing penalties annexed to the offence should be revised and simplified; the following rules have been enacted, to be in force from the date of their promulgation, throughout the provinces immediately subject to the Presidency of Fort William.

Notice of Rules rescinded.

II. Sections XI. and XII. Regulation XXI. 1795; Regulation V. 1797; Section VI. Regulation VIII. 1799; Sections IX. and X. Regulation III. 1804; and such other provisions in the existing Regulations as relate to the offence of dhurna, are hereby rescinded.

Magistrates how to proceed on charges of dhurna.

III. On a complaint in writing being presented to a magistrate against any Brahmin or Brahmins, or against any other person or persons of whatever description, for sitting dhurna, the magistrate, upon oath being made to the truth of the information, shall issue a warrant or summons, (as the case may require,) under his seal and signature, for the apprehension or appearance before him, of the person or persons thus complained against. On the accused being brought before the magistrate, he shall inquire into the circumstances of the charge, and examine the accused and the complainant; and also such other persons (whose depositions are to be taken on oath) as are stated to have any knowledge of the misdemeanor alleged; and commit their respective depositions to writing: and after this inquiry, if it shall appear to the magistrate that the misdemeanor charged was never committed, or that there is no ground to believe the accused to have been concerned in

committing it, the magistrate shall cause him (or them) to be forthwith discharged; recording his reasons for the same. On the contrary, if it shall appear to the magistrate, that the misdemeanor was actually committed, and that there are grounds for believing the accused to have been concerned in the commission of it, the magistrate shall (except in the cases mentioned in Section VII.) cause the accused to be committed to prison, or held to bail (according as in his discretion he shall judge proper) for trial at the next session of the Court of Circuit; and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence.

Mode of trial for dhurna before Court of Circuit.

IV. The trial of persons charged with dhurna, shall take place before the Court of Circuit, in the same mode as is prescribed for other trials by the existing Regulations; and in lieu of the bebusta hitherto taken from the Pundit of the Provincial Court, the Mahomedan law officer of the Court of Circuit shall write his futwa, declaring whether the offence charged is established or not, against the accused.

What punishment for dhurna adjudicable by Court of Circuit.

V. On conviction of the offence of dhurna before a Court of Circuit, the penalties adjudicable shall be as follow; namely, imprisonment in the civil jail for a term not exceeding one year, and fine not exceeding one thousand rupees; commutable, if not paid, to further imprisonment for a term not exceeding one year.

Trials for dhurna when referable.

VI. Trials held before a Court of Circuit in cases of dhurna, shall be referable to the Nizamut Adawlut, or not, according to the rules applicable in other trials.

In what cases of dhurna magistrates may pass sentence and to what extent.

VII. It shall be competent to the magistrates, in charges for the offence of dhurna, which they may be of opinion, from the circumstances, do not require commitment to the Court of Circuit, to hear the evidence against and for the accused; and if they consider the accused to be convicted, to pass sentence of fine not exceeding two hundred rupees; commutable if not paid, to imprisonment in the civil jail for a period not exceeding six months.

II.

REGULATIONS

Passed by the Governor in Council of *Fort St. George*, in the Year 1820.—N° I. to III.

A. D. 1820. REGULATION I.

A REGULATION for rescinding Regulation I. of 1808, and for prescribing the Rules under which Arrack, Toddy, and other spirituous and fermented Liquors shall be manufactured, and sold within the Territories subject to the Presidency of Fort St. George, without the limits of the Jurisdiction of the Supreme Court of Madras:—Passed by the Governor in Council of Fort St. George, on the 2d June 1820; corresponding with the 22d Vyasee of the year Vickramah; 1742d year of Saliwahan, and with the 20th Shawbahn 1235 Higeree.

Preamble.

WHEREAS the provisions of Regulation I. of 1808, have been found inefficient to restrain the immoderate use of intoxicating liquors, and are otherwise defective; and it is expedient that the same be revised and amended; and that restrictions be imposed on the sale of toddy, and on the transit and custody of foreign or country spirits; and whereas it is necessary for the due security of the revenue derived from these sources, that discretionary authority be vested in collectors, either to retain the sale of spirituous liquors under their own management on account of the Government, or to rent the same to farmers; and likewise to authorize renters to subrent their farms, and to enable them to recover, by summary process, any arrears that may be due to them by their under renters. The Right Honourable the Governor in Council, has resolved to rescind Regulation I. of 1808; and to enact the following rules, to be in force from the date of their promulgation in the territories subject to the Presidency of Fort St. George, excepting the town of Madras, and the limits of His Majesty's Supreme Court of Judicature.

Rescissions.

II. Regulation I. of 1808, and such parts of Section XLIV. and XLV. Regulation IX. of 1816, and of Section XXXVIII. Regulation X. of 1816, as relate to certain clauses of Regulation I. of 1808, are hereby rescinded.

Spirituous liquors may be manufactured and sold only in conformity with this Regulation.

III. All persons are forbidden to manufacture or sell rum, arrack or other spirits; or toddy or other fermented liquors, except in conformity with the provisions of this Regulation.

Licenses to Europeans for the establishment of distilleries will be granted by the collectors under the orders of the Board of Revenue.

IV. *First.*—The Board of Revenue are hereby authorized to empower collectors to grant to Europeans, descendants of Europeans, Armenians or other persons whom such collectors may approve, licenses to establish, in such places as may appear to the Board to be proper, distilleries for manufacturing rum, arrack or other spirits, by process of distillation similar to the European system; and such licenses shall accordingly be issued by the collectors under their official signature, on the parties to whom they may be granted executing counterparts of such licenses, to be lodged with the said collectors respectively.

Stipulation for the export of all the produce of such distilleries.

Second.—The license for the establishment of every such distillery, shall be prepared according to a form to be approved by the Board of Revenue, and shall contain a stipulation that the whole of the spirituous liquor manufactured at such distillery shall be exported by sea.

Penalty for the breach of the foregoing provisions.

Third.—Any European or descendant of a European, or other person, who, in breach of the stipulation in his distillery license held under the provisions of this Section, shall directly or indirectly, sell or permit to be sold, any such spirituous

liquors to any European sailor or soldier, or to any Native of India or other person, shall, on proof thereof to the satisfaction of the collector, be liable to the forfeiture of his license, under the orders of the Board of Revenue, to whose final decision every such case shall be referred.

No European British subject to be allowed to establish a distillery until he has produced his license to reside.

Fourth.—It is hereby declared, that no license for the establishment of a distillery shall be granted to any British subject until he shall have complied with the provisions of the Act of the 53d Geo. III. c. 155, clause 108; and shall produce to the collector, the copy duly attested by the Civil Judge of the zillah, of the license granted to him by the Government permitting him to reside at the place in which such distillery is intended to be established.

Penalty for working distillery without license.

Fifth.—Any person who shall be found working a distillery of the kind above specified without obtaining a license, or after the period for which his license was granted, and before obtaining a renewal thereof, or after the forfeiture of his license under the provision of Clause fourth of this Section, shall on proof of the fact before the Criminal Judge of the zillah, forfeit all the spirits manufactured at such distillery, together with all the stills, vessels, and other moveables appertaining thereto; and also the sum of two rupees for every gallon which each still in such distillery is calculated to contain, for each day in which he shall appear to have worked such still in the said distillery without a license.

The exclusive manufacture and sale of spirituous liquors may be farmed out or retained under the orders of the Board of Revenue.

V. *First.*—The Board of Revenue are hereby authorized to empower collectors, either to retain the exclusive privilege of manufacturing country arrack, toddy and other fermented liquors, as well as the retail sale of foreign or country manufactured spirits, toddy and other fermented liquors, in their respective districts, under their own immediate management, on account of Government; or to rent out those privileges, jointly or separately, for such periods as may be deemed eligible.

Board of Revenue to frame general rules.

Second.—The Board of Revenue are also authorized and directed to frame rules; and from time to time as occasion may require, to alter, amend and enlarge such rules, for regulating the exclusive manufacture and sale of country arrack, toddy and other fermented liquors; and the exclusive sale of foreign spirits; and for determining the places at which stills and shops shall be erected, and the number of such in each zemindaree or other division of territory; the rates to be established, and measures to be used in the sale of such spirits and liquors; the due publication of such rates and measures, and generally all matters relating to the detailed management and control of such distilleries and shops.

No stills or shops to be established but under a license according to a form to be prepared by the Board of Revenue.

VI. *First.*—Forms of licenses for renting out the exclusive privilege of manufacturing country arrack, toddy or other fermented liquors, and of retailing spirituous liquors, shall be prepared by the Board of Revenue; and no renter shall be allowed to establish a still or shop, until he shall have obtained such license from the collector of the district, and executed a counterpart thereof to be lodged with the said collector.

Specifications of the license.

Second.—The license shall specify the amount of rent by the year to be paid during the period for which the rent is farmed, the amount of the kists, and the times when they are to be discharged, the minimum price at which the liquor is to be sold, the number of stills and shops to be established, and the places at which they are to be fixed. The license shall likewise contain stipulations that the renter shall not allow any noxious ingredients to be used in the preparation and manufacture of liquor; and that he shall use his best endeavours to prevent all forbidden and improper practices at the shops to be opened under his license.

Muchilkas of distillers and venders under the renter.

Third.—Muchilkas or engagements shall be prepared by the Board of Revenue, to be translated into the country languages, particularizing the rules to be observed by persons employed by the renters to superintend distilleries or shops for the manufacture or vend of spirituous liquors.

Muchilkas of distillers what to specify.

Fourth.—The Muchilkas of persons entrusted with the superintendence or management of distilleries shall specify that they will not mix or knowingly permit to be mixed in the liquors distilled at the stills under their charge respectively, any ingredient pernicious to health, such as chunam, oomittakáy or other material intended to increase the power of the spirit, or to add to its intoxicating quality.

Muchilkas of venders what to specify.

Fifth.—The Muchilkas of persons in charge of shops for the retail sale of spirits shall contain stipulations necessary to prevent such shops from becoming places of drunkenness,

drunkenness, or the haunts of thieves or persons of notoriously bad character, and shall forbid the receiving of grain, goods, wearing apparel or other effects, in barter or pawn for liquor, and likewise the selling of liquor to European soldiers and sailors.

Muchilkas how to be executed.

Sixth.—Every person placed by the renter, or by the collector when the abkary is retained in his management, in charge of a still or shop shall sign in duplicate the muchilka mentioned in the foregoing clauses, after the same shall have been read over by him, or read and explained to him if he is unable to read it himself. Two creditable persons shall be present when the muchilka is acknowledged and executed by him, and shall sign their names in testimony of such acknowledgment; one copy of the said muchilka shall be deposited with the collector, and the other shall be fixed up in some conspicuous place of the shop or distillery.

Penalty for mixing noxious ingredients in the diſtillation of arrack.

Seventh.—Persons charged with having mixed or permitted to be mixed, noxious ingredients with the liquors prepared or distilled by them, or under their directions, shall be committed for trial before the Court of Circuit, and on conviction of such offence shall be subject to imprisonment and hard labour on the public roads for a period not exceeding three years.

Impriſonment and hard labour not exceeding three years.

Penalty for harbouring thieves, &c.

Eighth.—Persons convicted before the magistrate of permitting drunkenness and riot in their shops, or of harbouring thieves or persons of notoriously bad character, or of bartering or pawning liquor for grain, wearing apparel or other effects, shall be sentenced to pay such fine, not exceeding two hundred rupees, as may appear to the magistrate an adequate punishment for their offence; the amount of such fine to be levied by distress and sale of the property of the offender; or, if no property of such offender be found, or not sufficient to pay the amount of such fine, or otherwise in default of the payment of such fine, such offender shall be sentenced to imprisonment for such time as may appear to be a fair commutation for such fine or portion of the fine as may be due: provided that such imprisonment shall in no case exceed six months.

Fine not exceeding 200 Rupees;

or impriſonment not exceeding ſix months.

Penalty for diſtilling or ſelling without a licenſe.

Ninth.—Any person who shall erect a still, or establish a shop, or sell liquor without a license, or at any other place or places than the place or places mentioned in his license, and kabooleat, or after the expiration of his license and before having obtained a renewed license, shall, on conviction before the Criminal Judge be sentenced to pay such fine, not exceeding four hundred rupees, as may appear adequate to his offence; the amount of such fine to be levied by distress and sale of the property of the offender, or if no property of such offender be found, or not sufficient to pay the amount of such fine, or otherwise in default of the payment of such fine, the offender shall be sentenced to imprisonment and hard labour for such time as may appear to be a fair commutation for such fine or portion of the fine as may be due: provided that for such fine the imprisonment shall in no case exceed twelve months.

Fine not exceeding 400 rupees;

or impriſonment not exceeding twelve months.

Collectors to furniſh criminal judges with liſts of licenſed perſons when required.

VII. Collectors shall, on requisition made to them to that effect, furnish Criminal Judges of their respective zillahs with lists of the names and residence of all persons authorized to work stills or superintend shops under any of the provisions of this Regulation, specifying the places at which such persons are permitted to establish stills or shops.

Collectors empowered to recover arrears by ſummary proceſs.

VIII. Collectors are empowered to proceed against renters under this Regulation for the recovery of arrears due by them, in like manner as for the recovery of arrears from defaulters in the land revenue.

Renters of abkary may ſubrent.

IX. *First.*—Persons who shall have rented the exclusive manufacture or sale of spirituous liquors, are hereby declared to be authorized to subrent their farms on such pecuniary terms as they may respectively agree upon.

Agreements to ſubrent not to be executed on ſtamped paper.

Second.—It is hereby declared, that the engagements to subrent abkary privileges and farms; as well as receipts and acknowledgments between renters and subrenters, are not required to be written on stamped paper, but shall be exempt from stamp duty in the same manner as instruments of correspondent descriptions which have relation to lands subject to the payment of revenue to Government are exempt therefrom under Clause First, Section XII. Regulation XIII. of 1816.

Subrenters to execute the Muchilka preſcribed in Section VI.

Third.—Subrenters of the privilege of distilling or selling spirituous liquors shall respectively execute, in the mode prescribed in Clause Sixth, Section VI. of this Regulation,

Regulation, the muchilka enjoined to be entered into by persons engaged in distilling or selling spirituous liquors.

Renters authorized to recover arrears from ſubrenters by ſummary proceſs.

X. Renters under this Regulation are authorized to proceed against subrenters for the recovery of arrears in the same manner as it is prescribed, that recovery of arrears of the land revenue shall be recovered by landholders from their tenants.

No ſpirits to paſs without a permit; and no one to have any ſpirits in cuſtody without a permit.

XI. *First.*—The transit of any quantity exceeding one seer of spirituous liquor, without a permit, is hereby prohibited, and all persons not being renters or officers of Government authorized to dispose of spirituous liquors, are prohibited from having in their possession any quantity thereof exceeding one seer, without a valid permit.

Permits by whom to be iſſued and what to ſpecify.

Second.—Permits for the transit of spirituous liquors shall be issued only by the collectors or their assistants, or by abkary renters or their subrenters. Each permit so issued shall specify the quantity of liquor which it is intended to protect; the name of the person to whom, and the period for which it is granted; the place from which the liquor is to be removed, and the place to which it is to be carried.

Permits how far valid.

Third.—The permit of a collector or his assistant shall pass any quantity of spirituous liquor, and shall be held valid throughout the territories subject to the Government of Fort St. George; the permit of an abkary renter or of his subrenter shall not pass more than 150 gallons of spirituous liquor, or one leaguer, and shall not be held valid beyond the boundaries of his own farm. To protect the transit of spirituous liquor exceeding 150 gallons, or one leaguer, not produced within the boundaries of his farm, a renter, like other individuals, must apply for a permit to the collector or his assistant.

Limitation as to the iſſue of permits.

XII. In order to confine the retail sale of spirituous liquors exclusively to the officers of Government, or to renters or subrenters authorized to sell the same, the collectors and their assistants are hereby prohibited from granting permits for any quantity of spirituous liquors less than two leaguers, except to abkary renters or subrenters, or to their own agents for the sale of liquor on account of government; or to European gentlemen, on account of liquor for their private use; but collectors or their assistants may issue permits for the custody or transit of any quantity of liquor exceeding that above-mentioned to wholesale dealers, or others possessed of, or desirous of purchasing the same.

Collectors may demand ſecurity from perſons poſſeſſed of more than two leaguers of ſpirits.

XIII. *First.*—Collectors shall be at liberty to demand from those who may have in custody more than two leaguers of spirituous liquor, full and ample security that the same shall not be disposed of in any quantity less than two leaguers, except to the renters, subrenters or officers of Government.

And in default thereof may ſecure the liquor by ſeal and lock and key.

Second.—In the event of the persons in whose custody such liquor may be placed not producing security which the collector may deem satisfactory, the collector shall be at liberty to place his seal upon the doors of the premises where the same may be deposited, and to secure them further by a lock and key. The owner, however, with the privity of the collector, shall continue to have access to his property at all reasonable times; it being understood that the charge and custody of the liquor shall remain with him, and that the seal and lock of the collector are merely intended to prevent the illicit removal or sale thereof.

Spirituous liquor on tranſit without a valid permit, or in the poſſeſſion of any one unaccompanied by a permit, liable to confiſcation.

XIV. All spirituous liquor, passing through the territories under this Government, without the limits of the Supreme Court of Judicature at Madras, unaccompanied by a valid permit, or materially differing from the quantity specified in the permit, and all spirituous liquors found in the possession of wholesale dealers or others, not being renters or officers of Government, authorized to dispose thereof, without the party possessing a valid permit, shall be liable to be confiscated by the collectors, subject to the orders of the Board of Revenue: one third of the proceeds, when confiscated, shall be carried to the account of Government, and the remainder shall be divided between the informer and the person making the seizure, in such proportion as the collector, under the orders of the Board of Revenue, may deem just and proper.

And the parties liable to puniſhment.

XV. All persons passing spirituous liquor unaccompanied by a valid permit or materially exceeding the quantity specified in the permit; all persons attempting the same; all persons having in their possession spirituous liquors exceeding one seer without a valid permit; and all persons who, without the privity of the collector

collector, shall remove the seal or lock which he is authorized by Section XIII. of this Regulation to place on the doors of certain premises, shall on proof thereof before the Criminal Judge, be liable to the payment of a fine, in no case exceeding five hundred Rupees, and in default of payment, to imprisonment for a period not exceeding twelve months.

Fine not exceeding 500 rupees; or imprisonment not exceeding twelve months.

XVI. *First.*—Magistrates are hereby authorized to issue search warrants for the discovery of unlicensed stills, or of spirituous liquors illicitly sold, manufactured or deposited in any place, whenever information may be given to them on oath, or obtained by them from proceedings holden in any investigation before them, or from any credible source, that such illicit manufacture, sale or transport has taken place.

Magistrates may issue search warrants to discover illicit distillers, shops, &c.

Second.—Provided always, that no such search warrant shall be executed, but between sunrise and sunset, nor in the apartments of women of respectability and credit who do not ordinarily appear in public, except by women who shall be specially deputed by the magistrate to execute such warrant.

Search warrant how to be executed in houses.

XVII. *First.*—Nothing in this Regulation shall be construed to authorize any public officer conducting the sale of spirituous and fermented liquors on account of the Government, or any renter, to compel or require the owner or occupier of any private garden or ground to draw toddy from cocoa, date, or other palm trees; nor shall any such officer or renter have any right of control or interference therewith, other than to prevent the sale by unlicensed persons of toddy drawn therefrom.

Occupiers of private gardens not compellable to draw toddy.

Second.—No renter of the exclusive privilege of selling arrack or toddy shall be entitled to levy any personal tax, ground rent, quit rent, tope rent, nor any tax payable by toddy drawers, unconnected with the exclusive privilege of vending toddy. All such lawful taxes shall be collected by the officers of Government, or by persons appointed by Government to collect them.

No abkary tax payable, but to Government.

A. D. 1820. REGULATION II.

A REGULATION for giving greater publicity to certain Clauses of the Act 53 Geo. III. c. 155, passed by the Governor in Council of Fort St. George, on the 18th July 1820.

IN order that the native inhabitants of the territories subordinate to the Presidency of Fort St. George may be made acquainted with the provisions which have been recently enacted by the British Legislature for protecting their persons and properties, against European British subjects residing among them, it has been deemed expedient that such Clauses of the Act 53 Geo. III. c. 155, as render European British subjects amenable in certain cases to the local Courts, and also such Clauses of the said Act as relate in any way to the jurisdiction of the said Courts, should be inserted in a Regulation and printed with translations in the country languages. The Governor in Council has therefore been pleased to enact as follows.

Preamble.

II. The following Clauses of the Act 53d Geo. III. c. 155, shall be translated into the Persian, Teloogoo, and Tamil languages, and into such other of the native languages as the Governor in Council may hereafter be pleased to direct, and shall be published for the information of the native inhabitants of the territories subordinate to the Presidency of Fort St. George, viz.

Certain Clauses of the Act 53 Geo. III. c. 155, to be translated into the country language, and promulgated.

" CV. And whereas His Majesty's British subjects resident in the British territories in India, without the towns of Calcutta, Madras, and the town and island of Bombay are now by law subject only to the jurisdiction of His Majesty's Courts at Calcutta, Madras and Bombay respectively, and are exempted from the jurisdiction of the Courts established by the said United Company within the said territories, to which all other persons, whether natives or other inhabitants in the said territories without the limits of the towns aforesaid, are amenable: And whereas it is expedient to provide more effectual redress for the native inhabitants of the said territories, as well in the case of assault, forcible entry, or other injury accompanied with force, which may be committed by British subjects at a distance from the places where His Majesty's Courts are established, as in case of civil controversies with such British subjects; Be it therefore enacted, that it shall and may be lawful for any native of India, resident in the East Indies, or parts aforesaid, and without

Justices of peace in the provinces shall have jurisdiction in case of assault and trespass committed by British subjects on the natives of India.

the said towns, in case of any assault, forcible entry, or other injury accompanied with force, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the magistrate of the zillah or district where the alleged offender shall be resident, or in which such offence shall have been committed; and that such magistrate shall have power and authority, at the instance of the person so complaining, to take cognizance of such complaint, to hear parties, to examine witnesses, and having taken in writing the substance of the complaint, defence, and evidence, to acquit or convict the person accused; and, in case of conviction, to inflict upon such person a suitable punishment, by fine, not exceeding five hundred rupees, to be levied in case of non-payment by warrant under the hand of the said magistrate, and upon any property of the party so convicted, which may be found within the said district; and if no such property shall be found within the said district, then it shall be lawful for the said magistrate, by warrant also under his hand, to commit such offender to some place of confinement within the said zillah or district, which in the judgment of the said magistrate shall be fit for receiving such offender; or if there shall be no fit place of confinement, then to the gaol of the Presidency, to remain there for a period not exceeding two months, unless such fine shall be sooner paid; and it shall be lawful for the said magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury: Provided always, that in all cases of conviction of a British subject, under the provision hereinbefore contained, the magistrate before whom such conviction shall take place, shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place wherein the offence was committed is or shall be subordinate: Provided also, that all such fines shall be paid in the first instance, to the magistrate before whom the party offending shall be convicted, and the amount thereof, after making such satisfaction to the party aggrieved, as aforesaid, if any, shall be transmitted by such magistrate to the clerk of the Crown, or other officer to whom it belongs to receive fines in His Majesty's Court of Oyer and Terminer and Gaol Delivery for the province within which the offence shall have been committed; and such fines shall and may be disposed of in the same manner as other fines imposed by such Court of Oyer and Terminer and Gaol Delivery: Provided also, that all such convictions shall and may be removable by writ of Certiorari into the said Court of Oyer and Terminer and Gaol Delivery respectively, in the same manner, and upon the same terms and conditions, and shall be proceeded upon in the same manner in every respect as is directed in the said Act of the Thirty-third year of his Majesty's reign, with regard to other convictions before Justices of peace in the British settlements or territories in India: Provided also, that nothing herein contained shall extend, or be construed to extend to prevent such magistrate from committing or holding to bail any British subject, charged with any such offence before him, in the same manner as such British subject might have been committed or holden to bail if this Act had not been passed, where the offence charged shall appear to such magistrate to be of so aggravated a nature as to be a fit subject for prosecution in any of His Majesty's Courts to which such British subject may be amenable."

Copy of conviction and proceedings to be sent to the Government.

Fines to be paid to the magistrate.

Application thereof.

Convictions removable by Certiorari, and subject to provisions of 33 Geo. III. c. 52.

Justices of the Peace to have jurisdiction in cases of small debts due to natives from British subjects.

"CVI. And be it further enacted, that in all cases of debt not exceeding the sum of fifty rupees, alleged to be due from any British subject to any native of India, resident in the East Indies or parts aforesaid, and without the jurisdiction of the several Courts of Request established at Calcutta, Madras and Bombay respectively, it shall and may be lawful for the magistrate of the zillah or district where such British subject shall be resident, or in which such debt shall have been contracted, to take cognizance of all such debts, and to examine witnesses upon oath, and in a summary way to decide between the parties, which decision shall be final and conclusive to all intents and purposes; and in all cases where any such debt shall be found to be due from any British subject to any such native of India, the amount thereof shall and may be levied in the same manner, and subject to the same regulations and provisions, in respect to the commitment of the debtor, as are hereinbefore made and provided in respect to the levying of fines in case of the conviction of a British subject before such Magistrate.

British subjects residing, or trading, or occupying immovable property ten miles from the presidencies, to be subject to the local civil judicature.

"CVII. And be it further enacted, that all British subjects of his Majesty, as well the servants of the said United Company as others, who shall reside, or shall carry on trade or other business, or shall be in the occupation or possession of any immovable property in any part of the British territories in India, at the distance

of

of more than ten miles from the several Presidencies of Fort William, Fort St. George, and Bombay respectively, shall be subject to the jurisdiction of all Courts which now have, or hereafter may have cognizance of civil suits or matters of revenue, either originally or by way of appeal, within the districts or places where such British subjects shall so reside, or carry on trade or business, or possess or occupy immoveable property, in all actions and proceedings of a civil nature, and in all matters of revenue, (except as hereinafter excepted), in like manner as natives of India, and other persons not British subjects, are now liable to the jurisdiction of such Courts by and under the Regulations of the several Governments of Fort William, Fort St. George, and Bombay respectively: Provided always, that no British subject shall be liable to be sued in any such Court in respect of residence, unless he shall have his residence within the jurisdiction thereof at the time of commencing the action or proceeding against him; or that the cause of suit shall have arisen within the jurisdiction of the said Court, and the suit shall be commenced within two years after the cause thereof shall have arisen, and also within six months after the defendant shall have ceased to reside within such jurisdiction; nor shall any British subject be liable to be sued in any such Court in respect of his carrying on trade or business within the jurisdiction thereof, unless the cause of suit shall have arisen within such jurisdiction, and shall relate to the trade or business so carried on; nor to be sued in respect of any immovable property possessed or occupied by him, unless such property shall be situated within the jurisdiction of the Court in which he shall be so sued, and such suit shall be brought to recover the possession or occupation of such property, or for rent, or other demand arising out of the possession or occupation of such property by such British subject: Provided also, that where by the Laws or Regulations in force, or hereafter to be in force, within the provinces respectively subject to the Governments of Fort William, Fort St. George and Bombay aforesaid, it would be competent to a party to any final judgment or decree of any subordinate, civil, or revenue Court of Judicature, to appeal therefrom to the Sudder Dewany Adawlut, or other Court however denominated, exercising within those provinces respectively, the highest appellate jurisdiction in civil suits, it shall be competent to British subjects of His Majesty, in suits commenced against them under the provisions of this Act, instead of appealing to the said Sudder Dewany Adawlut, or other Court so exercising the highest appellate jurisdiction as aforesaid, to appeal to the Supreme Court of Judicature at Fort William, or Fort St. George, or the Recorder's Court at Bombay, according as the suit may have been commenced in the Provinces subordinate to either of the said Presidencies; and such Court shall have the same powers as to suspending or allowing execution of the judgment or decree appealed against, and as to taking security for costs, or for the performance of the decree or judgment of the said subordinate Courts, as the said Sudder Dewany Adawlut, or other such Court as aforesaid, would have had, and shall also make rules of practice for the conduct of the said appeals, in all other respects conforming in substance and effect as nearly as possible to the course of procedure of the said Sudder Dewany Adawlut, or other such Court as aforesaid in cases of appeal: Provided also, that nothing herein contained shall extend or be construed to extend to take away the jurisdiction of the said Supreme Courts of Judicature at Fort William and Madras, or the said Recorder's Court at Bombay respectively; but that all persons having cause of action against any British subject may, at their election, instead of suing in such Provincial Courts as hereinbefore provided, commence and prosecute their said suits in the said Supreme Courts of Judicature, and the said Recorder's Court respectively, in the same manner as before the passing of this Act: Provided also, that nothing herein contained shall extend or be construed to extend, to authorize the holding or occupying of any land or other immoveable property, beyond the limits of the said several Presidencies, by any British subject of His Majesty, otherwise than under and according to the permission of the Governments of the said Presidencies."

Restrictions as to the grounds of jurisdiction of the local judicatures.

Where an appeal would lie to the Sudder Dewany Adawlut, or local Court, British subjects may appeal to His Majesty's Courts.

Not to bar the jurisdiction of the King's Courts.

The plaintiff may sue there at his election.

"CVIII. And be it further enacted, that every British subject of His Majesty, not in the service of His said Majesty, or of the said United Company, who, after the tenth day of April one thousand eight hundred and fourteen, shall go to, and reside in, any part of the British territories in India, distant more than ten miles from the Presidency to which the same shall be subordinate, with the permission of the Government of such Presidency, or who shall, after the said day, change his residence from one part thereof to another, distant as aforesaid, with such permission, shall procure from the chief Secretary of the said Government or

British subjects allowed to reside more than ten miles from the Presidency shall procure and register certificate of such permission in the Court of the district.

other officer authorized for that purpose, a certificate signed by the said chief Secretary or other officer, expressing that such British subject has the permission of such Government to reside at such place, specifying the same, and expressing also whether such permission has been granted during the pleasure of such Government or for any limited time; and the said certificate shall be deposited by such British subject in the Civil Court of the district in which he shall so go to reside, within one month after his taking up his residence there, and shall be kept among the records of the said Court, of which certificate so deposited, a true copy attested by the Judge or other officer of such Court thereto authorized, shall be given to the party depositing the same, and shall be deemed and taken in all Courts of Justice, and on all occasions whatsoever, to be good and sufficient evidence of such certificate, unless the contrary shall be shown: and no British subject not in the service of his Majesty or of the said United Company, going to reside in any such part of the British territories, or changing his residence from one part thereof to another, after the said day, shall be allowed, while he so resides, to have or maintain any civil action or proceeding (other than in the nature of an appeal) against any person whomsoever in any Court of civil jurisdiction within the British territories in India, until he shall have filed, in the Court in which such action or proceeding is commenced, a copy of such certificate signed by the Judge of the Court wherein the same is deposited; or an affidavit accounting to the satisfaction of the Court for not filing the same; and if it shall be proved to the Court in which such action is brought, that such British subject is residing at any place within the said territories, distant more than ten miles from the Presidency to which it is subordinate, without such certificate or otherwise than according to the permission contained in such certificate, or that such permission has been revoked, or that, being for a limited time, it has expired and has not been renewed, and that such British subject is therefore residing without permission at more than ten miles distance from such Presidency, such British subject shall thereupon be nonsuited."

And suing in any Civil Courts shall produce copy of such certificate, or an affidavit accounting for not filing it.

Natives of India in service of Company, subject to Provincial Courts.

"CIX. And whereas doubts have been entertained whether persons being natives of India, in the service of the United Company of Merchants of England trading to the East Indies, or of any of His Majesty's subjects, are amenable to the jurisdiction of the Provincial Courts established in the East Indies, or whether such persons, being natives of India, in the service of the said United Company, or of His Majesty's subjects, are not exclusively amenable to the jurisdiction of the said Courts at Fort William, Madras and Bombay respectively, and it is expedient that such doubts should be removed; Be it further enacted and declared, that all persons whosoever, being natives of India, who have been, now are, or hereafter may be employed, by or in the service of his Majesty, the said United Company, or of any of his Majesty's subjects, were, and are, and shall be subject and amenable to all Provincial Courts of competent jurisdiction for all crimes and misdemeanors, and in all actions and suits whatsoever, of which such Courts respectively could take cognizance, if the persons having committed such crimes or misdemeanors, or against whom the causes of such actions or suits shall have arisen, had not been employed by, or had not been in the service of his Majesty, or the said United Company, or any of his Majesty's subjects; any law, usage, or practice to the contrary thereof in any ways notwithstanding: Provided always, that nothing herein contained shall anywise oust the said Supreme Courts of Judicature of Fort William and Madras, and the said Court of the Recorder of Bombay respectively, of any jurisdiction over any natives of India, which such Courts may now lawfully exercise; but such Supreme Courts of Judicature of Fort William and Madras and the said Court of the Recorder of Bombay respectively, as well as the Provincial Courts herein referred to, according to their several jurisdictions, shall have a concurrent jurisdiction over natives of India, employed by or in the service of the said United Company, or any of his Majesty's subjects."

Admiralty jurisdiction of King's Courts extended.

"CX. And whereas the Courts established by the said United Company have no jurisdiction over crimes maritime, and doubts have been entertained whether the Admiralty jurisdiction of his Majesty's Courts at Calcutta, Madras and Bombay, extends to any persons but those who are amenable to their ordinary jurisdiction; by reason whereof failures of justice may arise; Be it therefore enacted, that it shall and may be lawful for his Majesty's Courts at Calcutta, Madras and Bombay, exercising Admiralty jurisdiction, to take cognizance of all crimes perpetrated on the high seas, by any person or persons whatsoever, in as full and ample a manner as any

any other Court of Admiralty jurisdiction established by His Majesty's authority in any Colony or Settlement whatsoever belonging to the Crown of the said United Kingdom."

Juſtices of the Peace may qualify by taking the oaths in any Court of Juſtice within the Provinces, 33 Geo. III. c. 52.

"CXII. And whereas great inconvenience has arisen from requiring civil servants of the said United Company, and other persons stationed at a distance from the Presidencies, to attend and take the oaths in the Courts of Oyer and Terminer of the said Presidencies, as prescribed by the said Act of the Parliament of Great Britain of the thirty-third year of His Majesty's reign; Be it therefore enacted, that all persons who shall be nominated and appointed in any such commissions of the Peace as are in the said act mentioned, shall be capable of acting as justices of the peace in every respect, according to the tenor of such commissions, upon taking and subscribing in any civil or criminal Court of Justice, within the Provinces in and for which any such commission shall have issued, before any other Justice of the Peace, in the like oaths as are appointed by the said Act to be taken in the Court of Oyer and Terminer of the Province or Presidency for which such persons shall be appointed to act as Justices of the Peace; and the subscription of such persons to the said oaths shall be deposited and kept with the records of the Courts of Justice in which the said oaths shall have been administered."

Provincial Courts of the higheſt juriſdiction, may arreſt in civil or criminal proceſs within the Preſidencies, notwithſtanding the juriſdiction of King's Courts.

"CXIII. And whereas it is expedient that the Sudder Dewany Adawlut, and Nizamut Adawlut, or other Provincial Courts, however denominated, exercising the highest jurisdiction within the Provinces respectively subject to the governments of Fort William, Fort St. George and Bombay, should have power and authority to execute process of arrest, either civil or criminal, within the towns of Calcutta and Madras, and the town and island of Bombay, notwithstanding the jurisdiction of his Majesty's Courts established at those places respectively; be it therefore enacted, that it shall and may be lawful for the said Court of Sudder Dewany and Nizamut Adawlut, or other Provincial Courts aforesaid, to execute, or cause to be executed upon all persons subject to the jurisdiction of such Courts respectively, all manner of lawful process of arrest, within the respective limits of the towns of Calcutta and Madras, and of the town and island of Bombay, in the same manner as the said Courts respectively may, by virtue of any power now vested, or hereafter to be vested in them, lawfully execute, or cause to be executed, such process in any place situate without the said limits; any act, charter or other matter or thing whatsoever to the contrary notwithstanding: Provided always, that all such process which shall be executed within the limits aforesaid, shall be in writing, and shall have underwritten or endorsed thereon, or otherwise annexed thereto, a translation thereof, or of the substance thereof, in the English language and character, signed by one of the Judges of the Court from whence the same shall issue."

Proceſs to be in writing, with an Engliſh tranſlation, and ſigned by a Judge.

A. D. 1820. REGULATION III.

A REGULATION to prohibit the storing of Tobacco within twenty miles of the limits of the Madras Mettus, except by Licensed Venders.—Passed by the Governor in Council of Fort St. George, on the 25th August 1820; corresponding with the 12th Auvanee of the year Vickramah 1742d year of Salewahan, and with the 15th Zeekhad 1225 Higeree.

Preamble.

THE clandestine introduction of tobacco into Madras from stores in the vicinity of the Presidency; the outrages with which this species of smuggling has been attended; and the great loss of revenue which has in consequence been incurred, have rendered it necessary to regulate the mode in which tobacco shall be stored within a certain distance of the range of the Madras Mettus. The following rules have therefore been passed by the Governor in Council, to take effect from the date of their promulgation.

Limits preſcribed within which tobacco ſhall not be ſtored, except for local conſumption.

II. *First.*—No person shall be allowed to store or have in his possession a greater quantity of tobacco than five viss at any place in the zillah of Chingleput less than twenty miles beyond the limits of the Madras Mettus, (as now or hereafter established), except the persons to be licensed by the Collector of Chingleput under Section IV. of this Regulation to vend tobacco to the inhabitants of the places where they reside, and of its vicinity.

Tobacco ſtored in breach of the foregoing rule liable to confiſcation

Second.—All tobacco stored in the possession of individuals, contrary to the foregoing rule, shall be liable to seizure and confiscation, in conformity with the ordinary rules for the seizure and confiscation of smuggled goods; except that from the proceeds of the sale of tobacco, one half only of the amount of duty shall be deducted, previously to the division thereof under the said rules.

The rule not to be applied to tobacco in tranſit accompanied with a rowana.

III. *First.*—The foregoing rules shall not be construed to warrant the seizure of tobacco, whatever may be its quantity, which is not permanently stored, but is in transit through the tract specified in Section II. of this Regulation, although the same be temporarily lodged in a house or other building for security; provided such tobacco be accompanied by a rowana, and accord in quantity and kind with the specification of those particulars in the said rowana.

Rowanas for the protection of tobacco through the tract ſpecified, how to be made out.

Second.—The rowanas which the Collector of Chingleput shall grant for the transit of tobacco, through the tract lying within twenty miles of the range of the Madras Mettus, shall specify the time during which they shall be in force.

Collector of Chingleput to licenſe venders of tobacco for the ſupply of the tract ſpecified.

IV. *First.*—The Collector of Chingleput is hereby authorized to grant to respectable individuals residing in the tract within twenty miles of the Madras Mettus, licenses, according to a form to be prepared by him, and approved by the Board of Revenue, authorizing the persons therein respectively named to store, and to vend tobacco for consumption at the places where they so reside, and in their immediate vicinity.

Venders engagements.

Second.—Every person to whom such license shall be granted shall enter into an engagement, either in the cutcherry of the Collector of the zillah of Chingleput, or in the cutcherry of the tahsildar of the talook, in a penal sum equal to ten times the value of the quantity of tobacco which he shall be allowed to store for sale, that he will not clandestinely introduce, nor connive at the clandestine introduction of any part of such tobacco into Madras, and that he shall forfeit not only all the

Penalty for breach of thoſe engagements.

tobacco so clandestinely introduced or attempted to be introduced into Madras, but also all the tobacco that may be found in his licensed store.

Penalty for clandeſtinely removing tobacco from the licenſed ſtores.

Third.—Any person who, having obtained a license to store tobacco within the limits above described, shall be detected in clandestinely introducing, or conniving at the clandestine introduction of any part of the tobacco so stored into Madras, or of removing, or permitting to be removed, any part of such tobacco from the store, except for use and consumption at the place of storing, shall forfeit the penalty of his engagement; and shall, moreover, be deprived of his license; and no other license to store tobacco shall thereafter be issued to him. The offender shall further be subject to such punishment as the existing laws shall prescribe for the offence of smuggling.

On receipt of this Regulation, Collector of Chingleput to take ſecurity from perſons having ſtores of tobacco within the ſpecified tract.

V. On receipt of this Regulation, the Collector of Chingleput shall be authorized to require from all persons having stores of tobacco within the limits specified in Section II. of this Regulation, good and sufficient security that they will not clandestinely introduce, nor cause, nor permit the clandestine introduction of any part of the said tobacco into Madras; and in default of such security being given,

On failure of ſecurity Collector to have joint cuſtody of ſuch tobacco till it is duly diſpoſed of.

the Collector shall be at liberty to depute such officer of his establishment as he may think proper, to take an account of the quantity of tobacco so stored, and to have a joint custody thereof with the proprietor, until the said tobacco shall be removed under the Collector's rowana, and conveyed to one of the chokeys within the limits of the Madras Mettus, or elsewhere, for sale or consumption, after payment of the prescribed duties.

III.

REGULATIONS

Passed by the Governor in Council of *Bombay* in the Year 1820.—N° I. to VIII.

A. D. 1820. REGULATION I.

A REGULATION for declaring the Powers of the Governor in Council to provide for the immediate Punishment of certain Offences against the State, by the sentence of Courts Martial.—Passed by the Governor in Council on the 16th February 1820, corresponding with the 3d Falgoon Sood Sumbut or Vekramajet era 1876; Salbahan 1741; and 1st of Jumadyoolavul 1235 of the Higeree.

Preamble.

WHEREAS during wars in which the British Government has been engaged against certain of the native powers in India, certain persons owing allegiance to the British Government have borne arms, in open hostility to the authority of the same, and have abetted and aided the enemy, and have committed acts of violence and outrage against the lives and properties of the subjects of the said Government; and whereas it may be expedient, that during the existence of any war in which the British Government in India may be engaged with any power whatever, as well as during the existence of open rebellion against the authority of the Government, in any part of the British territories, subject to the Government of the Presidency of Bombay, the Governor in Council should declare and establish martial law, within any part of the territories aforesaid, for the safety of the British possessions, and for the security of the lives and property of the inhabitants thereof, by the immediate punishment of the persons owing allegiance to the British Government, who may be taken in arms, in open hostility to the said Government, or in actual commission of any overt act of rebellion against the authority of the same, or in the act of openly aiding and abetting the enemies of the British Government, within any part of the territories above specified. The following Regulation has been enacted by the Governor in Council, to be in force throughout the British territories immediately subject to the government of the Presidency of Bombay from the date of its promulgation.

The Governor in Council, in time of war, or during the existence of rebellion, empowered to suspend, or to direct any public authority or officer to suspend, the functions of the ordinary criminal Courts of judicature in any district, city or other place within the British territories, and to establish martial law therein;

and to direct the immediate trial, by courts martial, of all persons owing allegiance to the British Government, who shall offend against this Regulation.

II. The Governor in Council is hereby declared to be empowered to suspend, or to direct any public authority, or officer, to order the suspension of, wholly or partially, the functions of the ordinary criminal Courts of Judicature, within any zillah, district, city or other place, within any part of the British territories, subject to the government of the Presidency of Bombay, and to establish martial law therein, for any period of time while the British Government in India shall be engaged in war with any native or other power; as well as during the existence of open rebellion against the authority of Government, in any part of the territories aforesaid, and also to direct the immediate trial, by Courts Martial, of all persons owing allegiance to the British Government, either in consequence of their having been born, or of their being resident, within its territories, and under its protection, who shall be taken in arms, in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government, within any part of the said territories.

Persons owing allegiance to the British Government, who shall be convicted by the sentence of a Court Martial, of any of the crimes specified in the foregoing Section, shall be liable to the immediate punishment of death;

III. It is hereby further declared, that any person born, or residing under the protection of the British Government, within the territories aforesaid, and consequently owing allegiance to the said Government, who, in violation of the obligations of such allegiance, shall be guilty of any of the crimes specified in the preceding section, and who shall be convicted thereof, by the sentence of a Court Martial, during the suspension of the functions of the ordinary criminal Courts of Judicature and the establishment of martial law, shall be liable to the immediate punishment of death, and shall suffer the same accordingly, by being hanged by the neck till he is dead. All persons who shall, in such cases, be adjudged by a Court Martial, to be guilty of any of the crimes specified in this Regulation, shall also forfeit to the British Government all property and effects, real and personal, which they shall have possessed within its territories, at the time when the crime of which they may be convicted shall have been committed.

and to the forfeiture of their property and effects.

The Governor in Council not precluded by this Regulation from causing persons charged with any of the offences described in it, to be brought to trial before the ordinary Courts of Justice, or before any special Courts.

IV. The Governor in Council shall not be precluded, by this Regulation, from causing persons charged with any of the offences, described in the present Regulation, to be brought to trial, at any time, before the ordinary Courts of Judicature, or before any special Court appointed for the trial of such offences, under Regulation X. 1819, instead of causing such persons to be tried by Courts Martial, in any cases wherein the latter mode of trial shall not appear to be indispensably necessary.

A. D. 1820. REGULATION II.

A REGULATION for explaining Regulation I. A. D. 1818, entitled, "A Regulation for imposing a duty on all Opium made out of the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay;" and for the more effectually preventing the clandestine importation of Opium into the town and island of Bombay, and into any port or place whatsoever within the authority of the Governor in Council of Bombay, or within the limits of any of the territories dependent on the Presidency of Bombay.—Passed by the Honourable the Governor in Council of Bombay, on the 10th of May 1820, corresponding with the 13th of Vaisack Vud Sumbut, or Vickramajet era 1876; Salbahan 1742; and 26th Rujub of the Hejree.

Preamble.

WHEREAS in and by the said Regulation I. 1818, a duty at the rate of twelve rupees per surat seer was imposed on all opium, excepting opium made within the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay; and whereas doubts have arisen whether the provisions of the said Regulation extended to such opium imported or brought into the town or island of Bombay; and whereas also, it is expedient to make further Regulations respecting such duty, and to impose further fines, penalties and forfeitures for the non-payment of such duty, and for the breach of the above recited Regulation; the Honourable the Governor in Council accordingly hereby enacts and declares as follows:—

Regulation I. of 1818 in force in Bombay, and in all places within the authority of the Government of Bombay.

II. That the said Regulation I. 1818, and the provisions contained therein, were and are in force, in respect of, and do extend to and shall be applied, practised and put in execution, for and in respect of all opium, except as therein excepted, imported or brought, as well into the said town and island of Bombay, and into any port or place whatsoever within the authority of the said Governor in Council in Bombay, as into any other port or place within the limits of any of the territories dependent on the Presidency of Bombay.

All opium imported therein contrary to this Regulation and I. 1818 shall be deemed smuggled and forfeited to the East India Company, together with the

III. That all opium which shall be imported or brought into the said town or island of Bombay, or into any other port or place whatsoever within the authority of the said Governor in Council, or within the limits of any of the territories dependent on the said Presidency of Bombay, in any manner contrary to the provisions of this and the said recited Regulation, shall be taken and deemed to be clandestinely imported and smuggled, and shall be forfeited to the United Company of merchants

merchants of England trading to the East Indies, together with the packages, in which the same is packed and contained, and also all the ships, vessels, boats, camels, horses, bullocks or other cattle, or carriages used in the importing, removing or carrying the said opium; and such opium, and the packages containing the same, if found by any officer or officers of the Custom House, or of the Collector, or of the Magistrates of Police, in the custody of any person or persons being in any ship, vessel or boat, or carrying and conveying the same on land, together with the ships, vessels, boats, camels, horses, bullocks and other cattle, or carriages, shall and may be stopped and seized by any such officer or officers, who are hereby authorized and required to put and secure such opium and the packages containing the same, in some house, warehouse or godown belonging to the said Company, in the port or place next to the place where such stoppage and seizure shall be made, there to remain until the claimer of the same shall make proof before the Court of Petty Sessions for the town and island of Bombay, if such stop or seizure shall be made at a place within the limits of the jurisdiction of the said Court of Petty Session, that the said opium has been duly imported according to the provisions of the said recited Regulation, and that the duties on the said opium have been paid or secured; and in case such stoppage and seizure shall be made at any other place beyond the limits of the said jurisdiction, until the claimer shall make like proof before any magistrate of the district within which such stoppage and seizure shall be made; provided such proof be made within ten days after the said stoppage and seizure shall have been made; in failure whereof, the said opium and the packages containing the same, and the ships, vessels, boats, camels, horses, bullocks, cattle and carriage used in removing, carrying or conveying the same, shall be forfeited, one third thereof to the informer, the other two thirds to the United Company of Merchants trading to the East Indies.

packages containing, or vessels or animals conveying the same,

Officers of the Customs and others authorized to seize,

and secure the same in Government warehouses next to the place of seizure,

till the claimer make proof of the legal transit of the opium; if in Bombay, before the petty sessions;

If in any subordinate district before the magistrate of such district

within ten days after the seizure;

on failure, the opium with the packages containing, and vessels and animals conveying it, shall be forfeited, one third to the informer and two thirds to the Company

IV. And for the more effectually discovering and detecting the clandestine importation of opium, it is hereby enacted by the authority aforesaid.

First.—That if any credible person shall give information on oath before the Collector of the Customs of Bombay, or the Collector of Bombay, or before any Magistrate or Collector of any the territories within the authority of, or dependent on the said Government of Bombay, that any smuggled or clandestinely imported opium is harboured, kept and concealed in any ship, boat or other vessel, or in any house, shop, cellar, warehouse, godown, room, compound, field, garden or any other place whatsoever, the said Collector of the Customs, the said Magistrate or Collector, before whom such information on oath shall be given, is hereby authorized and required to issue his warrant under his hand and seal sent to a constable or other public officer, or to any trust-worthy person or persons, commanding the said constable, public officer, or other person or persons to whom the said warrant shall be so directed, to enter, in the day time, any such ship, boat, vessel, house, shop, cellar, warehouse, godown, room, compound, field, garden or place, as may be specified in the said information, or pointed out by the said informer, and in case of resistance, to break open doors, chests, bales of goods, and other packages, and there to search for and to seize, and from thence to bring all such smuggled or clandestinely imported opium as shall there be found, together with the contents of such chests, bales of goods, or other packages in which the same may be found, and to put and secure the same in some warehouse, or other house or godown belonging to the said Company, in the port or place next to the place where such seizure shall be made, there to remain until the claimer of the same shall make proof before the Court of Petty Sessions for the town and island of Bombay, if such seizure shall be made at any place within the limits of the jurisdiction of the said Court of Petty Sessions, that the said opium has been duly imported according to the provisions of this and the said recited Regulation, and that the duties on the said opium have been paid or secured; and if such seizure shall be made at any other place beyond the limits of the said jurisdiction, until the claimer shall make like proof before a magistrate of the district within which such seizure shall be made; provided always, that such proof be made within ten days after the said seizure shall have been so made, in failure whereof, the said opium, together with all and every chest, bale of cloth, and other package, and the whole of the contents of such chest, bale or package, shall be forfeited; one third thereof to the informer, the other two thirds to the United Company of Merchants of England trading to the East Indies.

On information of smuggled opium being in any place, given on oath, to any Collector of Customs, or Collector or Magistrate:

such Collector or Magistrate is to issue his warrant for the search of the places pointed out, and seizure of the opium, with the packages and vessels containing it.

and the same shall be lodged in a Government warehouse next the place of seizure, until the claimer make proof of the legal import of the opium; if in Bombay, before the petty sessions; if in any subordinate district, before the Magistrate of such district;

within ten days after the seizure.

On failure, the opium with its package or chest and all contents of such package shall be forfeited, one third to the informer and two thirds to the Company.

Any perſon knowingly keeping or concealing ſmuggled opium ſhall forfeit the opium and double the value of it, and double the amount of the eſtabliſhed duties upon it.

Secondly.—That in case any person or persons whatsoever shall knowingly harbour, keep or conceal, or shall knowingly permit or suffer to be harboured, kept or concealed, such clandestinely imported opium, the party or parties offending therein, whether he, she or they have not, or do or do not claim or pretend to have any property or interest in such opium so harboured, kept or concealed, shall for every such offence forfeit and lose all such opium so harboured, kept and concealed, and double the value thereof, together with double the full amount of the duty imposed on such opium by the said recited Regulation.

Seizures of opium to be proſecuted, if not exceeding one maund, or, including packages, &c. rupees 500, in a ſummary way, and determined, if to Bombay, before the Court of Petty Seſſions.

V. It is hereby also provided, enacted and declared, by the authority aforesaid, that where any opium shall be seized as forfeited by virtue or in pursuance of this and the said recited Regulation, all such seizures shall and may be prosecuted in manner hereinafter mentioned, that is to say; *First*, In every case where the whole quantity of the opium, at any one time, for that cause seized, doth not exceed one maund; or the ships, vessels, boats, camels, horses, bullocks or other cattle, or carriages used in the importing, receiving, or carrying the said opium, do not exceed in value 500 rupees, such seizure shall, and may, in a summary way be proceeded upon, heard, examined into and determined in the manner hereinafter mentioned, that is to say, in case such seizure shall happen to be made in any place within the limits of the jurisdiction of the Court of Recorder in Bombay, the same shall and may, in a summary way, be proceeded upon and examined into, heard, adjudged and determined by and before the said Court of Petty Sessions; and in case such seizure or seizures shall happen to be made out of the limits of the local jurisdiction of the said Court of Recorder, then and in such case the same shall and may, in a summary way, be proceeded upon, examined into, heard, adjudged and determined by and before the magistrate residing near to the place where such seizure or seizures shall be made; and which said Court of Petty Sessions and Magistrates respectively, within their respective jurisdiction, shall be and are hereby authorized and empowered to cause the respective person or persons, in whose custody such opium so to be seized as aforesaid, was found at the time of the seizure thereof, to be summoned to appear before the said Court, at a certain time and place to be prefixed by the said Court and the said Magistrates respectively, who are hereby fully authorized, empowered and required, upon the appearance or default of such person or persons so to be summoned, to examine into the cause of such seizure or seizures, and thereupon to proceed to give judgment for the condemnation of such opium so seized, as upon due examination shall be found to be forfeited by virtue of this and the said recited Regulation, together with the packages containing the same, and the ships, vessels, boats, camels, horses, bullocks, cattle and carriages used in removing, carrying or conveying the same, and to issue their warrants for the sale thereof.

If in any ſubordinate diſtricts before the Magiſtrate of ſuch diſtrict.

And which Court of Petty Seſſions or Magiſtrate is empowered to ſummon the party from whom the ſeizure was made, at a time and place prefixed;

and to examine and proceed to condemn ſuch opium as may be found to be forfeited, with the packages containing, or veſſels or animals by which it was conveyed;

and to iſſue warrant for the ſale thereof.

If exceeding one maund, or the packages the value of rupees 500, the ſeizure made in Bombay, to be proſecuted in the Court of Recorder;

Secondly.—In every case where any opium shall be seized as forfeited by virtue or in pursuance of this and the said recited Regulation, and where the whole quantity of the opium at any one time for that cause seized doth exceed one maund, or the ships, vessels, boats, camels, horses, bullocks or other cattle, or carriages used in the importing, removing or carrying the said opium, do exceed in value rupees 500, all such seizures shall and may be prosecuted in manner thereinafter mentioned, that is to say, in case such seizure happen to be made in any place within the limits of the jurisdiction of the Court of the Recorder of Bombay, by information to be exhibited in the said Court, and in case such seizure or seizures shall happen to be made out of the limits of the local jurisdiction of the said Court of Recorder, then and in such case the same shall and may be prosecuted by suit in any Zillah Court established within the districts or places where such seizure or seizures shall be made, and having cognizance of civil suits.

if in any ſubordinate diſtrict, in the Court of Adawlut of ſuch diſtrict.

A. D. 1820. REGULATION III.

A REGULATION for annexing to the Zilla of South Concan certain villages on the Sea Coast in Paut and Ajgaon turufs in the Sawunt Waree district, formerly composing part of the territories of the Sawunt Waree state, and ceded to the Honourable East India Company; and for fixing the Sudder station of that Zilla.—Passed by the Honourable the Governor in Council on the 17th May 1820, corresponding with the 5th First Jest Sood Sumbut or Vekramajet era 1876; Salbahan 1742; and the 4th Shaban 1235 of the Hijree.

Preamble.

WHEREAS the sea coast villages in the turuf of Paut and Ajgaon have been ceded to the Honourable the East India Company in full sovereignty by the Sawunt Waree state, it has been judged advisable to annex the same to the zillah of South Concan; and whereas no Sudder station has as yet been fixed on for this zillah, the following rules have been enacted.

Villages in Paut and Ajgaon annexed to the zilla of South Concan.

II. The under-mentioned villages on the sea coast of the turuf of Paut and Ajgaon shall be annexed to the zillah of South Concan, and the laws and regulations established for the internal administration of the zillah are hereby declared to be in full force and effect in the afore-mentioned cession from the 17th of February 1819, being the date from which the authority of the British Government has effect in these territories, viz. Raree Arowlee, Seerowdee, of Ajgaon, and Dabolee, Kanolee, Keyloos, Mahapun, Konchurey, Purolen of Paut.

Date from which Civil Courts shall take cognizance of suits.

III. The Courts of Civil Judicature shall not be deemed competent to take cognizance of civil claims in the afore-mentioned cession, the cause of action in which may have originated previously to the 17th of February 1807, being a period of twelve years antecedent to the said cession.

The operation of certain Regulations limited.

IV. The operation of Regulation III. 1814 is limited to the 17th of February 1819, and of Section XIII. Regulation XIV. 1815 to the 1st day of January 1821, of which due notice shall be given by the proper authorities.

Date from which Criminal Courts shall take cognizance.

V. The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the aforesaid territory previously to the date specified in Section II.

Rutnagiree the Sudder station of South Concan.

VI. The Sudder station of the Zilla of South Concan shall be fixed at the town of Rutnagiree, and the public authorities shall be removed thereto as soon as the Governor in Council shall direct.

A. D. 1820. REGULATION IV.

A REGULATION for withdrawing from the jurisdiction of the Regulations of Government, the Talooka belonging to the Chieftain of Balaseenor and Verpoor.—Passed by the Honourable the Governor in Council of Bombay on the 2d of August 1820, corresponding with the 9th Assad Vud Sumbut or Vekramajet era 1876; Salbahan 1742; and the 22d Shaval 1235 of the Hijree.

Preamble

WHEREAS the Honourable the Governor in Council of Bombay is pleased to declare that the talooka belonging to the tributary chieftain of Balaseenor and Veerpoor shall not be held subject to the Regulations of Government, the following enactment has accordingly been passed, to be in force from the date of its promulgation.

Balaseenor and Veerpoor withdrawn from the jurisdiction of the eastern zilla, north of the Myhee.

II. Such parts of Regulation III. 1819, as relate to the incorporation of the talooka of Balaseenor and Veerpoor into the eastern zillah, north of the Myhee, are rescinded.

Suits from Balaseenor and Veerpoor to be struck off the file and value of stamp paper to be returned to the parties.

III. All suits which may have arisen within the limits of the talooka, and which may be depending, shall be struck off the file of the Zillah Court, and the value of stamp paper paid by the parties in such suits shall be returned to them.

Civil and criminal prisoners from Balasseenor and Veerpoor to be delivered to the chieftain of the talooka.

IV. The civil and criminal prisoners in the jail of the eastern zillah, north of the Myhee, who may belong to the talooka, and not otherwise subject to the jurisdiction of the Zillah Court under the general regulations, shall be delivered over to the chieftain.

A. D. 1820. REGULATION V.

A REGULATION for abolishing the Provincial Court of Appeal, and adapting the powers, &c. of the Sudder Adalut to the change, and for removing the latter Court from Bombay to the city of Surat.—Passed by the Honourable the Governor in Council on the 29th of November 1820, corresponding with the 9th of Kartick Vud Sumbut or Vikramajeet era 1877; Salbahan 1742; and 22d of Suffer 1236 of the Hijree.

Preamble.

WHEREAS it has been deemed essential to the impartial, prompt and efficient administration of justice, and to the permanent security of the persons and properties of the native inhabitants of these provinces, that the Governor in Council of Bombay, exercising the legislative and executive authority of the state, should administer the judicial functions of the Government, by the means of Courts of Justice, distinct from the legislative and executive authority; and whereas it has likewise been deemed advisable, with the view to shorten and simplify the process of litigation, to abolish the Provincial Court of Appeal, the following enactment is passed, to have effect from the 1st of January 1821.

Provincial Court of Appeal abolished, and all Regulations relative thereto rescinded.

II. The Provincial Court of Appeal instituted by Section III. Regulation II. 1805, is hereby abolished, and that Section rescinded, together with Regulation VI. 1812, and all such parts of the Regulations in force as relate to that Court.

Regulations rescinded, in order to adapt the Sudder Adalut to the change.

III. In consequence of the abolition of the Provincial Court of Appeal, it is necessary that the powers of the Sudder Adalut should be adapted to the change; Regulations VII. of 1800, and VII. of 1812, are therefore rescinded.

Sudder Adalut transferred to Surat, and to consist of four judges, covenanted civil servants of the Company. Their denomination.

IV. The Court of Sudder Adalut shall be transferred from Bombay to the city of Surat, and henceforth consist of four judges, to be appointed by the Governor in Council from among the covenanted civil servants of the Company, and to be denominated, chief, second, third, and fourth judges of the Sudder Adalut.

An oath prescribed to be taken by the several judges.

V. The Chief Judge, and each Puisne Judge, who may be appointed to the Court of Sudder Adalut, previous to entering on the duties of his office, shall take and subscribe the following oath before the Governor in Council, or any person he may commission to administer it.

The oath.

I. *A. B.* appointed Judge of the Sudder Adalut, solemnly swear, that I will administer justice conformably to the Regulations that have been, or may be passed by the Governor in Council, according to the best of my ability, knowledge and judgment, without fear, favour, promise, or hope of reward; that I will not receive, directly or indirectly, any present or nuzur, either of money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or has been decided in the Court of Sudder Adalut, of which I am appointed a Judge; that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or nuzur, in money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or has been decided in the Court; that I will render a true and faithful account of all sums of money that may be paid into the Court or disbursed from it; that I will not be concerned, directly or indirectly, in the purchase of goods or commodities in the British dominions under the Presidency of Bombay, for the purpose of remitting money to Europe, or in any commercial transaction; and that I will not derive, directly or indirectly, any emoluments or advantages from my station, excepting such as the orders of Government do or may authorize me to receive. So help me GOD.

Regiſter and aſſiſtant to the regiſter to be appointed; oath to be taken by them.

VI. There shall be a Register and an assistant to the register of the Sudder Adalut; previous to entering on the duties of their office, they shall take and subscribe in open Court, the oath directed to be administered in Section III. Regulation IV. 1800.

Law officers to be appointed; oath to be taken by them.

VII. There shall be two Mahummedan law officers, a kazee and moulawee, and two pundits, appointed to the Sudder Adalut, under the provisions of Section II. Regulation V. 1800: previous to entering on the duties of their offices, they shall make and subscribe in open Court, a solemn declaration in the manner prescribed by Section II. Regulation V. 1803, with reference to Section V. Regulation V. 1800.

Suriſhtudar and deputies to be appointed; oath to be taken by them as well as every other officr.

VIII. There shall be one surishtudar and a deputy for each of the languages used in the zillahs subordinate to the Sudder Adalut, viz. Persian, Goozerattee and Marhatta: they shall each make a solemn declaration, as prescribed by Section II. Regulation V. 1819, previous to entering on their duties, and in like manner, every officer of the Court on his appointment.

Juriſdiction of the Court.

IX. The jurisdiction of the Sudder Adalut, shall extend over the zillahs of Surat, Broach, Eastern Zillah north of the Myhee, Ahmudabad, North Konkan and South Konkan, and over the district of Anjar.

Court to be held in a large room three days in each week, or oftener if neceſſary, and in open Court.

X. The Court of Sudder Adalut shall be an open Court, and be holden in a large and convenient room, three days in every week, or oftener if business shall require it, and no rule, order, proceeding or decree is to be made, but on Court days, and in open Court.

decrees, orders, &c. to be made on court days.

Seal of the Court.

XI. The Court is to use a circular seal, two inches and a quarter in diameter, with an inscription to the following effect, in the Persian, Goozerattee and Mahratta languages, "the seal of the Sudder Adalut."

The Court is not to correſpond with parties in ſuits, or any perſons, reſpecting matters before the Court, or cognizable by it.

XII. The Sudder Adalut is prohibited from corresponding by letter with parties in suits, or process, or matters depending before it, or coming within its cognizance. If a party in a suit, or any person amenable to the jurisdiction of the Court, shall have any matter to represent to the Court, he shall either appear in the Court in person, and represent the matter in writing; or shall make the representation in writing through an authorized wukeel; the Court shall pass such order upon the representation, as shall appear to it proper, consistently with the Regulations: and shall cause a copy of the order, under the seal of the Court, and attested by the register, to be delivered to the person making the representation, or to his wukeel.

Caſes in which the Court is impowered to refer original ſuits to Zilla Courts to be tried and determined.

XIII. *First.*—The Sudder Adalut is empowered to receive any original suit or complaint which may be cognizable in any Zillah Court, and to command the Judge of such Court by a precept, under the seal of the Court, and attested by the register, to receive the suit or complaint, and to proceed to hear and determine it; provided proof shall be previously made to its satisfaction, that the Judge refused or omitted to proceed in it; if the plaintiff shall refuse or neglect to proceed in the suit or complaint for the period of six weeks after the order of the Sudder Adalut may be received by the Zillah Court, and notified to the complaint, the Judge is authorized to dismiss it, notwithstanding the order of the Sudder Adalut. In such cases, the Judge, within one week after the dismission of the suit or complaint, is to certify to the Sudder Adalut, under his hand and the seal of the Court, that the suit or complaint has been dismissed, and the grounds of dismission.

Suits or complaint to be diſmiſſed, if the party preferring it ſhall refuſe to proceed in it for ſix weeks.

Judge to notify the diſmiſſion of the ſuit ro the Sudder Adalut.

Caſes in which the Sudder Adalut may receive petitions reſpecting ſuits or matters depending, or which may have been decided in any Zilla Court.

Second.—The Sudder Adalut is vested with authority to receive any petitions respecting suits or matters that may be depending, or have been decided, in any Zillah Court; and provided it shall be proved to its satisfaction that the petition was presented to the Judge of such Court, and that he refused or omitted to receive it, and proceed on it; the Sudder Adalut is empowered to issue a precept, under the seal of the Court, and attested by the register, commanding the Judge of the Zillah Court to receive the petition, and to proceed respecting it, according to the Regulations.

Court how to proceed with ſuch petition.

The Court is to be guided by the rules preſcribed to Zilla Courts.

Exceptions.

XIV. In all proceedings of the Sudder Adalut, the Court shall proceed in the same manner, and with the like powers and authority, and subject to the same restrictions, limitations and exceptions, as are prescribed to the Zillah Courts, except as to hearing of witnesses and receiving evidence.

XV. *First.*

From what decrees of the Zilla Courts, a regular appeal is to be to the Sudder Adalut.

XV. *First.*—If any person shall deem himself aggrieved by the decree of a Zillah Judge, in a civil suit, tried and determined by him in the first instance, or by the decree of a register in a suit exceeding 500 rupees in value or amount, such person shall be at liberty to prefer a regular appeal from the decision, to the Sudder Adalut, by petition of appeal.

Petition of appeal how to be presented.

To be written on stamped paper; and be accompanied with security for costs.

How to be admitted.

Second.—In cases in which an appeal shall be intended to be preferred, the petition of appeal shall be presented, in the first instance, to the Court in which the decree appealed against may have been passed, with an authenticated copy of the decree. The petition must be written on stamped paper according to the rates contained in Section XXV. Regulation XIV. 1815, and must be accompanied by the prescribed security for the eventual costs in appeal; the Zilla Court, after referring to the decree in the original record of the suit, shall admit the appeal, provided the petition and the security required, shall have been duly presented in the mode above described, within the period limited for the admission of appeals.

What the petition is to contain.

It is optional to insert or not the specific objections to the judgments of the lower Court. Should it not do so, the same may be inserted in a separate pleading, in the Sudder Adalut.

Third.—The petition of appeal shall state (respect being had to the matter decreed) the annual produce of the land, whether lakhiraj or malgoozaree, the sum of money or the value of property which shall have been decreed, the name of the person in whose favour the decree shall have been given; the Court in which it shall have been passed; when it was made, what was decreed by it; and whether the decree has been executed. The petition need not contain the specific objections to the judgment, and detailed grounds and reasons for preferring the appeal, but shall state shortly, that the party being dissatisfied, is desirous of appealing; and it is declared optional with the party, to insert the same in the original petition of appeal, or state them subsequently in the Sudder Adalut in a separate pleading on the stamped paper prescribed in Section XXXIII. Regulation XIV. 1815.

Period limited for preferring appeals.

Fourth.—The petition shall be presented within three calendar months after the day on which the decree shall have been passed, excluding from the calculation of such period the interval which may have elapsed in each instance between the date on which the requisite stamped paper may have been furnished by the party to the Court, and that on which the copy of the decree may have been tendered or delivered to the party in open Court, in the mode prescribed by the Regulations. The Court will in all cases be enabled to ascertain such interval by the endorsement on the copy of the decree, required to be made under Clause Sixth of this Section. But it shall nevertheless be permitted to such person to prefer his petition of appeal after the expiration of three months; and the Court is authorized to admit the appeal, provided the petitioner can show just and reasonable cause to its satisfaction, for not having preferred it within the limited period. But whenever the Court shall admit an appeal which may be preferred to it after the limited time, it shall enter upon its proceedings its reasons at large for doing so.

Cases in which appeals may be admitted after the limited time.

Reasons for so doing to be recorded.

Parties requiring copy of a decree to furnish the requisite stamped paper.

Fifth.—For the purpose of obtaining an authenticated copy of the decree in such case, the party desiring it shall furnish to the Court by whom the decision may have been passed, one, two or more sheets or rolls of the stamped paper prescribed in Section XXXV. Regulation XIV. of 1815, as may be necessary for transcribing the decree.

Court how to proceed when such stamps may be furnished.

Sixth.—When such stamped paper shall be furnished, the sherishtadar, or such other principal officer as may be authorized by the Court to discharge that duty, shall endorse on it the date of its being furnished, the name of the party on whose account it may be presented, and the number of the suit to which it may be intended to be applicable, and shall grant to the party a corresponding receipt for the same, on unstamped paper; the copy of the decree shall then be prepared and duly authenticated, and shall be delivered or tendered to the party by whom the stamped paper may have been furnished, or to his wakeel in open Court, and the date of the delivery or tender of such copy shall be also endorsed on the copy.

Provisions of the two preceding clauses are applicable to copies of decrees or orders from which a party may desire to prefer a special or summary appeal.

Seventh.—The principles of the rules contained in the two foregoing clauses of this Section are to be considered applicable to all copies of decrees from which a party may be desirous of preferring a special or a summary appeal, and to all copies of orders passed by the Judges and register of the Zilla Court, and by the Sudder Adalut, which those Courts may be required to furnish to parties under the provisions of any Regulation.

Eighth.

Eighth.—In all authorized cases of appeal, the party desirous of appealing shall, with his petition of appeal, deliver good and sufficient security for the payment of the costs which shall be awarded on the appeal; without such security, or without proof of inability to find the same, as required with respect to paupers by Regulation I. 1816, no appeal shall be admitted. It is hereby declared, that the presenting a petition of appeal, without the security required by this clause, before the expiration of the time limited for appealing, shall not be considered to preserve to the appellant his right of appeal, as far as respects the limitation in question.

Parties desirous of appealing to deliver security for costs that may be awarded on the appeal.

Presenting a petition of appeal without the required security, before the expiration of the time limited for appealing declared not to preserve the right of appeal.

Ninth.—When the security above required shall have been entered into, the Zilla Judge is immediately to endorse on the petition, in his own hand-writing, the day of the month and year in which it was presented, and shall sign it with his name, and cause to be written in the margin of the record, immediately opposite to the decree of the Court, the word "appealed," and shall transmit the petition to the Sudder Adalut. The Court shall at the same time direct notice in writing to be given to the appellant, that within fifteen days, the proceedings held in the cause appealed will be certified to the Sudder Adalut; and that if he shall not proceed in the appeal within six weeks after the petition of appeal shall have been filed in the Sudder Adalut, his appeal will be dismissed, unless he shall show reasonable cause, to the satisfaction of the Court, for not having proceeded in it.

When appellant shall have entered into the security, the Zilla Judge is to make the indorsement hereafter required;

and transmit it to the Sudder Adalut, and notify to appellant that if he shall not proceed in the appeal in six weeks from the date of filing the petition it will be dismissed.

Tenth.—In all authorized cases of appeal from the decrees of a Zilla Court to the Sudder Adalut, the Court in which the decree appealed from may have been passed shall suspend the execution of it during the appeal, provided the party against whom the decree may have been passed shall, at the time of preferring his appeal, or within such reasonable period afterwards as may be fixed for the purpose, deliver good and sufficient security in a sum equal to one year's amount of the annual produce of the land or house, or other real property which shall have been decided; and in all other cases, good and sufficient security in an amount equal to the sum of money or value of the thing decreed, for the performance of the decree which may be passed upon the appeal.

Execution of decrees appealed from, to be suspended during the appeal.

Eleventh.—In all instances wherein the plaintiff in a Zilla Court may obtain a judgment in his favour, for land or other real property, and the defendant appealing therefrom to the Sudder Adalut may be left in possession of the property, under the security prescribed by the Regulations, any private transfer of such property by sale, gift or otherwise, or any mortgage thereof, which might be made by such appellant during the appeal to the Sudder Adalut, or the King in Council, in the event of the judgment against him being confirmed on the appeal, is hereby declared to be null and void.

Any private transfer or mortgage of land or other real property during appeals declared null and void, in the event of the judgment against such property being confirmed on the appeal.

Twelfth.—Where the party desiring to appeal shall neglect or refuse to enter into the securities, in the manner prescribed in this Section, the Court by whom the decision may have been passed, is to order the decree to be executed.

When the appellant does not comply with the rules of appeal, decree to be executed.

Thirteenth.—As cases may occur, wherein neither the appellant or the respondent may be able to give the prescribed securities for staying the execution of the decree, or for the execution thereof in favour of the plaintiff, it is hereby enacted, that in all such cases the property adjudged shall be held in attachment during the appeal, or until such time as one of the parties may be able to give the required securities, by the collector of the district wherein the land may be situated, at the expense of the party who may be ultimately declared entitled thereto, under the provisions in that respect established. No attachment, however, is to be made by any collector in the cases herein supposed, until he shall receive a precept, requiring him to make the same, from the Zilla Court wherein the original judgment in the cause may have been passed, which precept shall state specifically the property to be included in the attachment, and shall require the collector to continue the same till ordered to be withdrawn by a further precept from the Court, to be issued either on the prescribed securities being given by one of the parties, or on the cause being finally determined.

Provision for cases wherein neither the appellant or respondent may be able to give the prescribed securities;

the Collector to hold the adjudged property in attachment in such cases.

Fourteenth.—Notwithstanding the appellants in causes depending before the Sudder Adalut, may have entered into the securities required of them in this Section, the Court is further authorized in cases wherein, from delay in the decision, the securities originally so given may afterwards appear insufficient (in respect to the period of time the cause has been pending or is likely to remain still undecided), on the application of the respondent or respondents, in all such cases, to require any additional

Sudder Adalut may, in particular cases, require further security during appeals, if, on application of the parties, the security taken appear insufficient.

security which the Court may deem necessary to secure the party who may have obtained a judgment in his favour from any loss by the non-execution of such judgment during the appeal; and, in default of such further security being given within a reasonable period to be fixed for that purpose, the Court is empowered to direct the judgment in question to be carried into execution, in like manner as if no securities had originally been given by the appellant; provided that, in such cases, good and sufficient security, as prescribed by the Regulations, be given by the respondent, previous to his being put in possession of the property in litigation. The supplemental security required in this clause, as necessary to maintain a depending appeal, is carefully to be distinguished from the security originally necessary to warrant the cause being appealed; the supplemental security being only demandable by the Sudder Adalut after a lapse of time.

In default of such further security being given by appellants the judgment to be executed.

Provided the prescribed security be given by the respondent.

XVI. The Judge of the Zilla Court, within fifteen days after the receipt of the appeal, is to certify under his hand and the seal of the Court, to the register of the Sudder Adalut, the record duly made up and authenticated, including the original complaint, answer, replication, and rejoinder of the parties, the original depositions, exhibits, and every original paper read in the cause. Previous to transmittingth e above-mentioned papers to the Sudder Adalut, he is to cause true and faithful copies of all the originals, authenticated by the Serishtadar, or head native officer of the Court, to be made out and deposited in the Zilla Court, in lieu of the originals. The copies are to be deemed records of the Court, and are to be received in evidence in any other Zilla Court. In cases where any original deposition, or other original proceedings or matter whatsoever, shall have been previously entered in the Zilla Court, in a book which may likewise contain proceedings in other distinct causes, or any other matter, so that such original papers cannot be transmitted without the other proceedings or matters; the Judge of the Zilla Court, within the time and in the manner before directed, is to certify a true and authentic copy of such original papers, and that the original of each copy transmitted is so entered in such book. But he is nevertheless to transmit the original complaint, the original answer, or other separate pleadings of the parties, and the original exhibits which shall have been delivered in, or produced by the parties, and read in the course of the cause before the Court, if they be forthcoming, in the manner before required. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings, the copy is to be deemed the the original, and the Judge is to transmit a copy of it, and in like manner, to certify that the original, after due search, cannot be found.

Record including original papers in the cause appealed, to be transmitted to the Register to the Sudder Adalut in fifteen days after the receipt of the appeal.

Copies of all original papers transmitted, attested by the Serishtadar, to be deposited amongst the records of the Court.

Copies to be deemed records, and to be received in evidence.

Copies of original papers to be sent to the Sudder Adalut, when originals are not forthcoming.

Recorded copies of original papers not forthcoming to be deemed originals, and copies of them to be forwarded and certified.

XVII. *First.*—In order that the parties in a suit, or their authorized pleaders, may be fully prepared to file their exhibits, and to name their witnesses, as well as to furnish any explanations of the case which may be required at the time when the suit may first be brought to a hearing, the Court is enjoined carefully to attend to those provisions in the Regulations which require that eight days previous notice shall be given to the parties, of the day on which the Court may propose to bring the suit to a hearing.

Previous notice to be given by the Court of the day on which a suit is to be brought to a hearing.

Second.—For this purpose, it shall be sufficient for the Court to affix, in some conspicuous place in the Court-room, a notification specifying the number of the suit, the names of the parties and of the wakeels respectively entertained in the suits, together with the date on which it may be intended that such suit shall be brought to a hearing before the Court; and such notice shall be held and considered to be in force until the suit can be brought to a hearing, either on the day fixed or any subsequent day.

A notification of the day duly affixed in Court shall be sufficient notice.

Third.—If either of the parties in a suit which may be brought to a hearing, after due notice shall have been given in the manner above prescribed, shall not be prepared to file his exhibits, or the names of his witnesses, or to furnish any explanations of the case which may be required by the Court, and shall not assign sufficient and satisfactory reason for the delay, the Court is authorized to impose upon such party such fine as may appear just and proper; provided that the fine shall in no instance exceed one-fourth of the amount of the stamp duty paid on the institution of the suit. If a similar neglect shall occur a second time, after due notice shall have been given of the day fixed for the case being again brought forward, the Courts are authorized either to impose a second fine, under the limitation above prescribed, or to proceed as in other cases of default.

The Court empowered to fine parties unprepared to file exhibits, or name witnesses on the day notified for the hearing of the suits.

Further penalty on repetition of similar neglect.

Pleadings to be read before exhibits are filed or witneſſes ſummoned.

XVIII. *First.*—In the trial of appeals the prescribed pleadings shall be completed and read in open Court before any exhibits are filed, or witnesses summoned in support of the allegations of either of the parties; unless special and sufficient reason be assigned for taking the immediate deposition of witnesses, without waiting until the pleadings are completed and read in open Court.

Exception.

Court is to require any neceſſary explanations of the caſe from parties or their pleaders.

Second.—If from the pleadings in the case, the points at issue cannot be clearly ascertained, or if from any other reason further explanations may be requisite, the Court shall, on the day on which the suit may be first brought to a hearing, make such enquiries from the parties, or their pleaders, as may appear necessary, with a view to ascertain the precise object of the action, and the grounds on which it is maintained, and shall record the result on their proceedings.

The Court is to record the points neceſſary to be eſtabliſhed by the parties.

Third.—The Court shall then consider and record the point or points to be established respectively by the appellant and by the respondent, and shall proceed to take the evidence which may be adduced by either party upon such points, in the manner prescribed by the rules in force.

And any additional points which may ſubſequently appear neceſſary.

Fourth.—In like manner, if proof shall be required on any other points in the course of the trial, such points shall be recorded on the proceedings, and the proper party shall be called upon for requisite evidence, and no exhibit shall be filed or witness summoned, unless expressly declared to be in proof, or refutation of some points upon which the Court may have directed that evidence shall be taken.

No evidence to be admitted except with regard to the points ſo recorded.

Caſes in which the Sudder Adalut is empowered to take new evidence, or refer ſuits back to the Zilla Court.

Fifth.—The Sudder Adalut is empowered in cases of appeal, in which it shall appear to them that the original suit has not been sufficiently investigated in the Zilla Court, or for any other cause which may be deemed reasonable, to receive such further evidence as the Court shall think necessary for the just determination of the suit, and give judgment upon it, or to refer the suit back to the Zilla Court, accompanied by such special directions to the Judge, with regard to the new evidence he is to receive respecting the suit, as may be deemed by the Court most conducive to justice and the convenience of the parties and witnesses. But in every case in which the Sudder Adalut shall exercise the power above vested in it, the Court shall enter upon the record of the trial their reasons for having exercised it. In cases in which the Court shall judge it proper to receive such further evidence themselves, the Court is empowered according as it shall deem most conducive to justice (respect being had to the nature of the cause and the evidence), either to examine the witnesses to be produced, *vivâ voce* in open Court, first causing the witnesses to be sworn and their depositions to be reduced to writing, and signed by the deponents respectively, or to authorize the register of the Court to swear the witnesses and take their depositions, and to cause the deponent to sign them, and to authenticate them with his signature. The register in such case shall examine the witnesses in the presence of both parties or their wakeels, who are to be at liberty to put any questions to the witnesses that they may think proper; and the questions, with the answers to them, are in the same manner to be reduced into writing, signed and authenticated. But if due notice be given to the parties, or their wakeels, of the examination of any witness or witnesses before the register, and he or they shall not attend at the time of the examination, the register shall proceed in the examination as before directed, and the depositions shall be received as good and anthentic evidence.

The Court to record its reaſons whenever the above powers are exerciſed. The Court is empowered to take evidence, or to order the regiſter ſo to do.

Evidences of witneſſes which may be required in certain caſes by the Court, to be taken by Zilla Judges on written interrogatories.

Sixth.—It is hereby provided, that whenever a witness whose evidence may be required by the Sudder Adalut, may reside at such a distance as to render his attendance before the Court inconvenient, or whenever from any cause it may be deemed improper to summon a witness to the Court, the Sudder Adalut shall prepare and transmit to the Judge of the zillah in which the witness may reside, distinct written interrogatories to be put to each witness, such interrogatories shall be prepared and signed by the parties, or their wakeels, under the direction of the Court, and shall be countersigned by the register. The Zillah Judge, to whom such interrogatories may be sent, shall proceed with the same in open Court, in presence of the parties, or their authorized pleaders, and shall in the first instance cause the depositions of the witnesses to be taken in answer to the interrogatories, and shall then allow the parties or their pleaders, to put any other questions which may appear relevant to the points at issue in the case.

The Court may empower a Judge of the Sudder Foujdaree

Seventh.—In cases in which the Sudder Adalut may from special reasons judge it advisable, they are likewise empowered to cause the evidence of any witness to be

Adalut proceeding on circuit to take evidence in certain caſes.

taken in the prescribed form before the Judge of the Sudder Foujdaree Adalut, who shall next proceed upon the circuit, to the zillah in which the witness may reside.

Court may diſpenſe with the oaths of witneſſes in certain caſes.

And alſo direct their evidence to be taken by Commiſſion.

XIX. *First.*—The Sudder Adalut may dispense with the oaths of the descriptions of witnesses which the Zilla Courts are authorized to exempt from taking oaths, on their signing in open Court, the declarations which are required to be subscribed by such witnesses in the Zilla Courts. Where witnesses shall be women of the description specified in Section VI. Regulation II. 1800, or shall reside out of the jurisdiction of the Court, the Court shall grant such commissions as the Zilla Courts are authorized to grant for the examination of such witnesses upon similar occasions. And the Sudder Adalut may issue such commissions to creditable women, and send such letters to the Zilla Courts for the examination of witnesses, in the cases in which the Judges of the Zilla Courts are authorized to send such commissions and letters.

Sudder Adalut how to proceed when witneſſes do not attend, refuſe to be ſworn, or give their depoſitions, are guilty of contempt of Court, or perjury.

Second.—If a witness duly summoned shall not attend, or attending shall refuse to be sworn or give evidence, or to subscribe his deposition, or if such witness, or any person, shall be guilty of wilful or corrupt perjury in a cause depending in the Court, or any contempt of Court in open Court, the Sudder Adalut shall proceed with such witness or person in the same manner as the Zilla Courts are authorized to deal with witnesses or persons in like manner offending.

All proceſs of the Court (with certain exceptions) to be iſſued to the Zilla Judges.

XX. *First.*—All process, both to parties and witnesses, and every rule or order for the execution of a decree or final order, and every other order whatever, which may issue from the Sudder Adalut, shall be written or printed in such of the languages of the country as the Court may direct, and shall be sealed with the seal of the Court, and signed by the register. All such process, rules and orders, which are to be served or executed on any parties, witnesses or persons (exclusive of the parties wakeels, or persons in actual attendance on the Court), are to be directed to the Judge of the Zilla in which the cause of action shall originally have arisen, or in whose jurisdiction the parties may be or reside. Every such process, rule and order, shall limit a certain time in which it is to be served, executed and returned to the Sudder Adalut. If the Judge of a Zilla Court, to whom any process, rule or order whatever may be directed, shall wilfully disobey, or neglect to perform the commands contained in it, or make a false return, the Judge so offending shall be liable to be suspended from his office by the Sudder Adalut. If the Sudder Adalut shall suspend any Judge under this Section, they are to notify the suspension to the Governor in Council, within ten days after it shall take place, together with the cause of it, and shall certify under the seal of the Court, the proceedings, depositions and exhibits, and all other matters which may be necessary to enable the Governor in Council to pass a determination upon the suspension, and to transmit to him on his requisition, any further papers and proceedings respecting the cause, which he may deem necessary for his information. But the Sudder Adalut is empowered, in cases in which for the sake of expedition or other purpose it shall judge it expedient so to do, to issue any process to parties or witnesses immediately, through any other channel, instead of directing it in the first instance to the Zilla Court.

Judges of Zilla Courts liable to be ſuſpended by the Sudder Adalut for refuſing or omitting to obey, or to conform to its proceſs or requiſition.

Sudder Adalut to report to the Governor in Council the ſuſpenſion of Judges under this ſection, within ten days.

The Court may iſſue proceſs to parties or witneſſes through any other channel than the Zilla Courts.

Proceſs of the Sudder Adalut, how to be ſerved by the lower Court.

Second.—In all cases in which process, either to a party or witness, and all process whatever, and every rule or order for the execution of any decree or final order, or any order relating to a cause depending in the Sudder Adalut, which may be directed to the Judge of a Zilla Court, the Judge to whom the process shall be directed shall execute the order contained in the process, rule or order, and return it so executed within the time limited, or return to the Sudder Adalut good and sufficient reason why it has not been served or executed. When any process, rule, decree or order for the execution of any decree or final order, or any order whatever, shall be transmitted by the Sudder Adalut to the Judge of a Zilla Court, to be served or executed, the return to such process, rule, order or decree, shall be made by the Judge, either by endorsement on the process, rule, order or decree, or be written on a paper firmly annexed to it; and if the return be made in the last mentioned manner, there shall be an endorsement on the process, rule, order or decree, referring the Sudder Adalut to the return contained in such annexed paper, and the Judge shall cause a copy of the process, rule, order or decree, together with the return to it, to be deposited amongst the records of the Court. And in all cases in which the Sudder Adalut shall transmit any order or process to be served, or executed by the Judge of a Zilla Court against a party in a cause, and the party

To return the proceſs executed, or reaſons why it has not been executed.

Form and manner in which the return is to be made.

Zilla Judge to cauſe a copy of the proceſs and return to be depoſited amongſt the records of the Court.

on

on whom it is to be served or executed shall not, after diligent search, be found, or shall have absconded, or shall have shut himself up in his own or any house or building, or shall retire to any place, so that the process cannot be served upon him, the Judge to whom the process shall have been directed shall cause to be fixed up in some conspicuous part of the room in which the Court shall be held, a writing in the language of the district, containing a copy of the order or process, and a notice that if the party shall not obey the exigence of it within the time limited, the Sudder Adalut will without further notice, process or order, proceed, *ex parte*, to hear, try and determine the cause to which such process or order may relate; and the Judge is likewise to cause a copy of such writing to be fixed up with all practicable dispatch, on the outer door of the house in which the party shall have commonly dwelt, or in some conspicuous place in the town or village in which he may have usually resided, and to return to the Sudder Adalut in the manner before directed, how he has executed the process.

Courts, how to proceed when process cannot be served upon the party, in consequence of his absconding or avoiding it.

Zilla Judge to fix up a writing in the Court room and at the place of residence of the party.

What the writing is to contain.

Third.—If the Judge of the Zilla Court shall return that the party has absconded, or shut himself up in his own or any house or building, or retired to any place so that the process could not be served upon him, or that he was not, after diligent search, to be found, and that he had caused the writing to be fixed up in the places and manner directed, and the party shall not appear and obey the exigence of the process, rule or order, the Sudder Adalut shall proceed, *ex parte*, to try and determine the cause in which the process, rule or order shall have issued, in the same manner as if the party had appeared and obeyed the exigence of the process.

Sudder Adalut to proceed *ex parte* when a lower Court shall report that a party has absconded, or was not to be found, after the observance of the forms herein directed.

XXI. If the appellant in an appeal filed in the Sudder Adalut shall not proceed in the appeal for six weeks, the appeal shall be dismissed, unless the appellant shall show reasonable cause to the satisfaction of the Court for not proceeding in it; and the Court, if it shall be deemed equitable so to do, shall award to the respondent costs of suit. But in all such cases, the Court shall enter at large upon its proceedings, the grounds upon which it may permit or refuse to allow the appellant to proceed.

Court to dismiss appeals if appellants omit to proceed in them within six weeks, without shewing cause for omission. Reasons for the dismission of the appeal to be recorded.

XXII. In appeals that shall be heard by the Court, no proceedings shall be held, nor any acts whatever done, either on behalf of appellant or respondent, excepting by the appellant or respondent respectively, or by a wakeel admitted to plead in the Court under the established Regulations, nor by any wakeel before his wukalutnamah shall have been filed in the Court, and security given for his fees; and no persons, excepting such parties, or their witnesses, or such wakeels, shall be heard, *vivâ voce*, in any stage in the cause.

No person to be heard in a cause except principals, wakeels duly empowered, or witnesses.

XXIII. If a petition of appeal shall be preferred against the decision of any Zilla Court, founded on an award of arbitration, it shall be dismissed with costs; unless it be fully proved to the satisfaction of the Court, by the oaths of two credible witnesses, that the arbitrators have been guilty of gross corruption or partiality in the cause in which they shall have made the award.

Petitions of appeal from decisions founded on award of arbitration, to be dismissed with costs.

XXIV. *First.*—The petition of appeal, pleadings, depositions, and exhibits in the Sudder Adalut, shall be numbered, marked, dated and signed by the register, in the same manner as the complaint, pleadings, depositions, and exhibits are ordered to be numbered, marked, dated and signed by the register in the Zilla Courts. The decrees shall be signed by the Judges present in Court when the decrees shall be passed, and attested by the register; copies so signed and attested, shall, on application, be delivered to the parties.

Proceedings of the Sudder Adalut, how to be numbered, marked, dated and signed.

Decrees to be signed by the Judges, and attested by the register, and copies to be delivered to the parties.

Second.—The proceedings, summonses, and other process issued by the Sudder Adalut, shall be written or printed in the current language of the zilla from which the suit may be appealed.

Proceedings, summonses and process of the Court to be written or printed in the language of the zilla from which the cause was appealed.

Third.—All orders and decrees passed by the Sudder Adalut shall be written in English, and shall have annexed or subjoined a translation in the current language of the zilla from whence the appeal may be received.

All orders and decrees to be written in English, with translations into the language of the zilla from whence the appeal is received.

XXV.—The Sudder Adalut is empowered to confirm or reverse, in whole or in part, all decrees from which the Court shall or may be authorized to receive appeals; and to make such further order on all such decrees, as justice, equity and good conscience may require, and award such costs to either party as it shall deem reasonable.

What decisions the Court may pass in appeals.

Interest allowed on the amount of decrees confirmed on appeal, and litigious appeals punishable by fine.

XXVI. If the Sudder Adalut shall confirm the decree of the Zilla Court, it shall adjudge interest, at the rate of one per cent. per mensem, on all sums receivable by the respondent under the decree, and the Sudder Adalut is authorized to punish appeals which may appear to it to be litigious, by a fine to Government, proportionate to the condition of the party and the circumstances of the case.

Sudder Adalut, how to proceed against persons who shall resist its process.

Offender to be summoned to answer for his misconduct.

Court, how to proceed if the offender shall not obey the summons.

Decree to be passed if the offender shall not appear; or shall appear, and be proved guilty of the charge.

How the Court is to enforce payment of the fine.

XXVII. If any person shall resist or cause to be resisted, any process, rule, order or decree, which may at any time issue from the Sudder Adalut, the Court, on proof of the resistance being made by oath to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house, or in any building, or retire to any place so that he cannot be served with the summons, the Court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the Court. If the offender shall not appear within the prescribed time, or if he shall appear and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved to the satisfaction of the Court that he is guilty of the charge, the Court is to adjudge the offender to pay such fine to Government as they may think proper, in the same manner as already provided in respect to the inferior Courts, in Section XXI. Regulation II. 1800. The Court is to proceed to levy the amount by the same process by which they are empowered to carry their decrees for sums of money into execution.

Single Judges empowered to hold sittings of the Court. Rules to be observed in passing orders and decrees.

XXVIII. *First.*—To facilitate the dispatch of business, a single Judge shall hold separate sittings of the Sudder Adalut, for the hearing of all causes in the first instance, with the same powers as if held before two or more Judges, and he shall be competent to pass orders and judgments in conformity with the Regulations, provided such order or judgment may be to affirm the decision or order of the lower Court. But whenever a single Judge trying a cause or other matter, shall be of opinion that the decision or order appealed from ought to be reversed or altered, as well as in every case of doubt or difficulty, he shall only record his sentiments on the case, and refer it for the decision of a Court composed of two or more Judges; and their decision, guided by the rules hereafter mentioned, shall be carried into effect, and the decree or order shall be signed by the Judges present at the final sitting; the signature of the Judge who first sat shall not be considered requisite.

Rules to be observed on differences of opinion between two Judges.

Second.—Whenever two Judges shall sit, and a difference of opinion arise between them, the decision shall be passed according to the opinion of the Judge who may concur with the Judge who first sat under the provisions of the foregoing clause; but in cases where two Judges may differ in a matter not previously before the Court, the determination shall be suspended until the opinion of a third Judge can be taken, when the decision shall be passed according to the majority of voices.

Provision in case of a difference of opinion when four Judges are present, and the number of votes equal.

Third.—If in any instance a difference of opinion should take place on a question before four Judges, and the number of votes be equal, the Chief Judge concurring with any one of the other Judges shall possess a casting vote, and the Resolution shall be passed accordingly.

Judges to regulate their own sittings, and chief or senior Judge to call extra meetings through the register.

Fourth.—The Judges shall regulate their own sittings in the manner most convenient; and whenever it may be requisite to call an extra meeting, it shall be summoned by the register, on receiving orders for that purpose from the chief Judge or senior Judge on the spot, to whom it shall be left to determine when and how often such extra meetings shall be summoned.

Special appeals from all decisions of Zilla Judges shall lie to the Sudder Adalut, under certain restrictions.

XXIX. *First.*—A special appeal shall lie to the Sudder Adalut under the rules prescribed by the following clauses, from the decisions of Zilla Courts, in all suits or matters whatsoever which shall be tried by the Judges of those Courts, in appeal from their registers, assistant registers, and sudder ameens or moonsifs, provided that upon the face of the decree, or of documents exhibited with it (assuming all the facts of the case as stated in the decree), the judgment shall appear to be inconsistent with some established judicial precedent, or with some Regulation in force; or be in opposition to, or inconsistent with another decree of the same Court, or of another Court having jurisdiction in the same suit, or in a suit founded on a similar cause of action; or if it appear to be inconsistent with the Hindoo or Mahommedan law, in cases which are required to be decided by those laws, or

with

with any other law or usage which may be applicable to the case; or unless the judgment shall involve some point of general interest or importance, not before decided by the superior Court; or that there may appear strong probable ground, from whatever cause, of a failure of justice.

Party to present a petition to the Sudder Adalut.

Second.—When a party upon any of the grounds specified in the preceding Clause, may be dissatisfied with a judgment passed on a regular appeal by a competent Civil Court, and may in consequence be desirous of a second or special appeal, he shall, within the limited period prescribed for the admission of regular appeals, present a petition to the Sudder Adalut.

Petition to be written on ſtamped paper.

What it is to contain.

Third.—Such petition shall be written upon the stamped paper prescribed in Section XXV. Regulation XIV. of 1815, with reference to the value or amount of the suit; the petition shall state distinctly the specific ground or grounds under Clause First of this Section, on which the special appeal is solicited, and shall be presented either by the party in person, or by an authorized pleader of the Court In the latter case, the petition shall be signed by the pleader, who shall certify on the back of the petition, that he has duly considered the grounds stated for admitting a special appeal, under Clause First of this Section, and believes them to be well founded and sufficient.

Mode of proceeding when a ſpecial appeal may be admitted.

Fourth.—If on a consideration of the circumstances of the case, the Court shall see reason for admitting a special appeal, on any of the grounds stated in the First Clause of this Section, the appellant shall be required to furnish the like security as is prescribed in cases of regular appeals, and when the required security shall have been duly furnished, the Court will admit the special appeal, and proceed to investigate the suit, under the same rules as are prescribed for the trial and determination of regular appeals.

Court authorized to refund a portion of the ſtamped duties in certain caſes, when the petition for a ſpecial appeal may be rejected.

Fifth.—If the Court shall not see sufficient reason for admitting the special appeal, and shall in consequence reject the petition, the appellant shall not be entitled to receive back the amount or value of the stamp on which the petition may have been written, under Clause Third; the Court is however vested with a discretionary authority in any particular instance of hardship, to refund any portion, not exceeding three-fourths of the amount of such stamp duty, to the party who may have paid the same, or to his legal representative.

All orders paſſed by the Court regarding ſpecial appeals to be final.

Sixth.—It is hereby declared, that the order of the Sudder Adalut refusing to admit a special or second appeal, under the powers vested in it by this Regulation, as well as the judgments which it may respectively pass on special appeals, shall in all cases be final.

Pleaders entitled to receive fees on the rejection of ſpecial appeals.

Proviſo.

Seventh.—When an application for a special appeal presented through an authorized pleader to the Sudder Adalut, may be rejected by the Court, such pleader shall be entitled to receive from the party employing him, any remuneration for his trouble which the Court may think proper to adjudge, provided that such remuneration shall in no case exceed one-fourth of the amount of the fee to which the pleader would have been entitled had the special appeal been admitted and determined by the Court.

Zilla Judges may certify to the Court caſes which may appear to be fit objects for a ſpecial appeal.

Eighth.—It is also declared to be competent for a Zilla Judge, in any case in which no further regular appeal is open, and in which the parties may be desirous a special appeal, to certify to the Sudder Adalut (where the circumstances demand it), that such case involves some point of general importance hitherto apparently unsettled, and fit to be reconsidered in a special appeal, in the admission of which, such of the above rules as may be applicable shall be attended to.

Caſes in which the Sudder Adalut may admit a ſummary appeal.

XXX. *First.*—It shall be competent to the Sudder Adalut to receive a summary appeal from the orders or decrees of the Zilla Court, in all cases in which the latter may have refused to admit an original suit, or appeal regularly cognizable by them, or having admitted such suit or appeal, may have dismissed it without an investigation of the merits, on the grounds of delay, informality or other default.

Limitation of time for the admiſſion of ſummary appeals.

Second.—In the preceding cases, the summary appeal shall be preferred within the same limited period as is prescribed for the admission of regular appeals, and subject to the provisions contained in the following clauses.

On what description of stamped paper the petition for a summary appeal is to be written.

Third.—Whenever a party may be desirous of preferring a summary appeal in the cases above-mentioned, he shall appear either in person, or by a wakeel duly authorized, before the Sudder Adalut, and shall present a petition written on the stamped paper prescribed by Clause Second, Section XXXVIII. Regulation XIV. of 1815, and accompanied by an attested copy of the order or decree passed in the case.

Party not liable to pay the institution fee, nor to furnish any deposit or security. Exception.

Fourth.—The party presenting such petition shall not be liable to the payment of the stamp duty substituted for the institution fee, by Section XXV. Regulation XIV. of 1815, nor shall he be required to furnish any security, except such as may be eventually necessary under the Regulations in force, for staying the execution of the decree from which the appeal may be preferred.

Mode of proceeding in summary appeals.

Fifth.—It shall not be requisite to give any notice to the respondent, or to require his attendance on such summary appeal being prefered, unless in any particular instance the Court may deem it proper to adopt that measure, nor shall any pleadings or proceedings be holden on such summary appeal, excepting such as may suffice to determine whether the suit was not rejected or dismissed by the lower Court on sufficient grounds, and in conformity with the Regulations.

In what cases the lower Court may be directed to receive or review the suit.

Sixth.—If upon such summary proceedings it shall appear to the Court that the suit was rejected in the first instance, or having been admitted was dismissed without an investigation of the merits, upon insufficient grounds, or in opposition to the Regulations, it shall be competent to the Sudder Adalut, to direct the lower Court, or officer from whose order or decree the petition of appeal may have been presented, to receive the original suit or appeal, or to revive it if it shall have been received and dismissed, and to try and determine such cause on its merits, according to the Regulations.

In what cases the Courts may reject the summary appeal and fine the appellant.

Proviso.

Seventh.—If on the contrary, such summary appeal shall be found to be groundless and litigious, the Sudder Adalut is authorized and required to reject the petition for a summary appeal, and to impose such fine on the litigious appellant as may appear to be in each instance proportionable to the condition of the party, and to the circumstances of the case; provided that such fine shall in no case exceed the amount of the stamp duty which would have been payable by the appellant on the institution of such case as a regular suit or appeal.

Provisions for pleader's fees in such cases.

Proviso.

Eighth.—When a pleader may be employed in such summary appeals, the Court is authorized to award to him such fee as may be considered to be sufficient compensation for his labour, provided that it shall in no case exceed one-fourth of the fee to which such wakeel would have been entitled, if the suit had been instituted, either as an original suit or as a regular appeal.

Provisions regarding the mode of applying for permission to review judgments from which no appeal shall have been preferred.

XXXI. *First.*—Any persons considering themselves aggrieved by a decree passed in a regular civil suit or appeal by a Zilla Court, from which decree no further appeal may have been admitted, and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them, are at liberty to present a petition to this purpose, to the Court in which the decree in question may be passed; such petition shall be written on stamped paper of the value prescribed in Clause Second, Section XXXVIII. Regulation XIV. of 1815, and shall be presented within the period of three calendar months from the delivery or tender of the decree. The Courts are nevertheless authorized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause to the satisfaction of the Court, for not having preferred such application within the limited period; in such case, however, the Courts are enjoined to proceed with caution, and to state at large upon the proceedings their reasons for admitting such applications after the limited period. If the Courts shall be of opinion, that there are not any sufficient grounds for a review, they shall reject the petition, and their order to that effect shall be final; but if on the contrary, they shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, they shall report the same to the Sudder Adalut, transmitting at the same time a statement of the grounds of their opinion, with a copy of the petition presented to them and a copy of the decree passed in the case.

Second.—The Court of Sudder Adalut, in cases referred to them under the preceding Clause, as well as in all cases in which a petition may be presented to them for a revision of their own judgments, which may not have been appealed to the King in Council (or though appealed, the proceedings in which may not have been transmitted), are authorized to grant the review desired, if upon a consideration of the reasons stated, the circumstances of the case shall appear in justice to require it; the Sudder Adalut shall record on their proceedings, the grounds upon which a review may be granted by them in each instance, and shall issue any instructions regarding the admission or rejection of new evidence in the case, which they may deem just and proper.

Provisions empowering the Sudder Adalut to grant a review.

Third.—The order of a Zilla Court, or of the Sudder Adalut, rejecting the petition for a review in the first instance, or of the latter Court refusing to sanction a review when applied for by a lower Court, shall not be construed to preclude the party from instituting a regular appeal (if the case be appealable), subject to the conditions and rules prescribed by the Regulations in force for the admission of such appeals.

The orders rejecting applications for a review not to bar the right of a party to prefer a regular appeal.

XXXII. In cases for which no specific rule shall exist, the Sudder Adalut shall act according to justice, equity and good conscience.

Court, how to act in cases for which no rule may exist.

XXXIII. An appeal shall lie from the decision of the Sudder Adalut, to the King's Most Excellent Majesty, and His Most Honourable Privy Council, in all regular appeals under the provisions of Regulation V. 1818.

Appeal to his Majesty in Council.

XXXIV. In all cases not expressly provided for in Regulation IV. 1819, in which it shall appear to the Sudder Adalut, that the Judge of a Zilla Court has been guilty of negligence or misconduct in the discharge of his duty, or whenever a report shall be made in pursuance of Section X. Regulation IV. 1800, or in any case not expressly provided for by the Regulations, the Court of Sudder Adalut, after such enquiry as shall be judged necessary in proof or explanation of the circumstances stated, shall, if the case appear to require the notice of the Governor in Council, report the same to him, with a copy of all proceedings and papers received on the subject of it, for such orders as may be judged proper. The Court of Sudder Adalut is directed to report to the Governor in Council, all instances of wilful neglect of duty, or aggravated misconduct by a covenanted servant of the Company, employed in any of the Civil Courts, whether in a judicial or ministerial capacity, and whether such neglect or misconduct shall have been reported to the Sudder Adalut by a Zilla Court, or shall otherwise appear from the proceedings and papers before the Court. But if the case should appear to the Court to involve an error of judgment only, or a slight default, for which an admonition from the Court shall be deemed a sufficient correction, the Sudder Adalut, in the former case, is authorized to notice the error, for the information and guidance of the party who may have committed it; or, in the latter case, to advise him of his default, and to admonish him accordingly.

Rules for the guidance of the Sudder Adalut in cases of negligence or misconduct in any of the Judges or officers of the civil Court.

In certain cases Court directed to report to the Governor in Council.

Error of judgment, or slight default, how to be corrected.

XXXV. The Court of Sudder Adalut constituted under Section III. of this Regulation, shall possess all the powers previously vested by the existing Regulations in it, and shall perform all duties required to be performed by it, subject to such alterations and modifications as have been, or may at any time hereafter be made therein by this or any subsequent enactment. And it is hereby further provided, that all such parts of the Regulations in force as may refer to the late provincial Court of Appeal, and may require to be acted on, shall be considered applicable to the Sudder Adalut, in the same manner as if they were originally intended to be enacted for the latter Court.

Former powers of the Sudder Adalut to continue.

Regulations referring to the Court of Appeal to apply to the Sudder Adalut where necessary.

XXXVI. That the Sudder Adalut may be apprized of the nature and number of the causes decided monthly by the registers to the Zilla Courts, their assistants and native commissioners, a list of the causes determined by them in each month shall be subjoined to the monthly abstract register of causes decided by the Judge, required to be transmitted to the Sudder Adalut, by Section XI. Regulation VI. 1802, and the Judges shall likewise distinguish in their monthly abstract registers, such decisions as they may pass in appeal from the decrees of the registers, their assistants and native commissioners, so that the Sudder Adalut may be informed of the number of appeals so preferred, and the decisions upon them; and in the half yearly report of causes undecided, required to be transmitted to the Sudder Adalut

Causes how to be distinguished in the monthly registers.

by Section XII. of that Regulation, the Judges are likewise to distinguish such of the suits as may be depending in appeal before them from the decisions of their registers, their assistants and native commissioners, and also the suits that may be under trial before their registers, their assistants and native commissioners.

Regiſter to ſubmit to the Court a monthly report of the abſtract regiſters of the ſeveral Zilla Courts.

XXXVII. By the last day of each month, the register to the Sudder Adalut shall prepare to be submitted to the Court at its next meeting, a general report on the abstract registers, required to be furnished by the Zilla Courts by Section XI. Regulation VI. 1802, for the preceding month. The report is to specify the number of suits appearing in the abstract register of each Court to have been determined by the Judge and by his register or his assistant, or by the native commissioners, or adjusted by the parties.

Report to be ſubmitted by the regiſter on half yearly reports of the Zilla Courts of cauſes remaining undecided.

XXXVIII. On the 15th February, and 15th of August in each year, or the first Court which may be held after those dates respectively, the register shall submit to the Court a report on the last half yearly reports of causes depending in the Zilla Courts, which they are required to furnish by Section XII. Regulation VI. 1802. The report shall specify the number of causes depending before the Judge, the register, his assistant, and the native commissioners in each Zilla, and the number of causes depending in the preceding half yearly report; so as to exhibit a comparative statement of the number of suits depending at the period of the transmission of the two reports. The register is to annex to his report a summary of the reasons assigned by the several Courts for any causes remaining undecided, which may have been inserted as depending in any of their preceding half yearly reports.

To notice what abſtract regiſters or reports have not been tranſmitted.

XXXIX. In the event of any of the Zilla Courts omitting to forward their monthly abstract registers, or half yearly reports, in time to enable the registers to submit the reports and statements above required, he is to notice the omission in his report, with the reasons for the deficient reports not having been forwarded, should any have been assigned by the Courts.

Rules for facilitating the preparing of the regiſter's reports.

XL. *First.*—To enable the register to prepare the required reports and statements with greater facility, the following rules are prescribed.

An abſtract of the number of cauſes determined to be inſerted by Zilla Judges at the bottom of monthly regiſters.

Second.—The Judges of the Zillas are directed to insert at the bottom of their monthly abstract registers, an abstract of the number of causes determined, as follows:—

BY THE JUDGE:

In appeal from decisions of the register.

Decreed or dismissed - - - - - -	2	
Adjusted by razeenamahs of the parties - - -	2	
		— 4

In appeal from the decisions of the assistant register.

Decreed or dismissed - - - - - -	2	
Adjusted by razeenamahs of the parties - - -	2	
		— 4

In appeal from decisions of the native commissioners.

Decreed or dismissed - - - - - -	2	
Adjusted by razeenamahs of the parties - - -	2	
		— 4

Tried in the first instance by the Judge.

Decreed or dismissed - - - - - -	2	
Adjusted by razeenamahs of the parties - - -	2	
		— 4

By the register.

Decreed or dismissed - - - - - -	2	
Adjusted by razeenamahs of the parties - - -	2	
		— 4

By

By the assistant registers.

Decreed or dismissed - - - - - - -	2	
Adjusted by razeenamahs of the parties - - -	2	
	—	4

By the native commissioners.

Decreed or dismissed - - - - - - -	2	
Adjusted by razeenamahs of the parties - - -	2	
	—	4
Total - -		28

Third.—The Judges of the zillas are to insert at the bottom of their half yearly reports of causes remaining undecided, the number of suits depending, as follows:— Alſo to inſert at the bottom of half yearly reports of cauſes undecided, the number depending.

Depending before the Judge.

In appeal from decisions of the register - - - -	2	
In appeal from decisions of the assistant register - -	2	
In appeal from decisions of the commissioners - -	2	
Under trial before the Judge in the first instance - -	2	
	—	8
Depending before the register - - - - -	2	
Depending before the assistant register - - - -	2	
Depending before the commissioners - - - -	2	
	—	6
Total - -		14

A. D. 1820. REGULATION VI.

A REGULATION for abolishing the situation of Assistant Judge, and for making certain modifications in the constitution and jurisdiction of Zilla Courts. Passed by the Honourable the Governor in Council on the 29th of November 1820, corresponding with the 9th of Kartick Vud Sumbut or Vikramajet era 1877; Salbahan 1742; and 22d of Suffer 1236 of the Hijree.

WHEREAS it has been deemed expedient to abolish the office of Assistant Judge of Zilla Courts, and to make certain modifications in the constitution and jurisdiction of those Courts, from and after the 1st of January 1821. Preamble.

II. The office of Assistant Judge in the Zilla Courts is hereby abolished, and Regulation V. of 1815, is rescinded. Office of Aſſiſtant Judge aboliſhed and V, of 1815 reſcinded.

III. Section VI. Regulation I. of 1802, whereby the decisions of the registers to the Zilla Courts were made final in suits for money or other personal property not exceeding twenty-five rupees, is hereby rescinded, and an appeal shall hereafter lie to the Zilla Judges from all decisions passed by their registers, provided that the appeal be preferred in all other respects, in conformity to Section II. Regulation IX. of 1802. Section VI. Regulation I. of 1802, reſcinded, and appeals from regiſters deciſions ſhall in every caſe lie to the Zilla Judge.

IV. No regular appeal shall lie to the Sudder Adalut from the decree of a Zilla Judge on an appeal from a register; provided however that nothing in this Section shall be construed to prohibit the Sudder Adalut from admitting a second or special appeal from decisions passed by the Zilla Judges, on regular appeals from the original judgments of registers, assistant registers, sudder umeens, or moonsifs, such special appeals being admitted and tried under the rules and restrictions prescribed for the guidance of the Court. Section VII. Regulation II. of 1808, reſcinded, and no regular appeal ſhall lie from the decree of a Zilla Judge on an appeal from a regiſter. Proviſo in reſpect to ſpecial appeal.

V. *First.*—The Judges of Zilla Courts are authorized by the Regulations in force, to refer to their registers for trial and decision in the first instance, original suits, in which the value or amount of the claim may not exceed five hundred rupees. Common juriſdiction of regiſter.

Second.—On all suits referred to registers which may be decided by them, they shall be entitled to receive one moiety of the amount of stamp duty substituted for the institution fee by Regulation XIV. 1815, instead of the rates prescribed by Section XXIX. of the Regulation just quoted. What fees ſhall be paid to regiſter on deciding ſuch ſuits.

Regiſters may be inveſted with further additional powers in the trial of ſuits.

VI. *First.*—Exclusively of the ordinary jurisdiction of registers of Zilla Courts, as explained in the preceding Section, the Governor in Council shall be deemed competent to invest the register of any Zilla Court with special additional powers in the trial and decision of regular civil suits, under the following rules.

The Sudder Adalut to report to Government when ſuch further powers may be neceſſary.

Second.—Whenever the accumulation of civil suits, or the arrears of business depending in any Zilla Court, may render it impracticable for the Judge of such Court to try and determine the suits depending before him with sufficient promptitude and dispatch, and the Sudder Adalut may be of opinion, either in consequence of a report from the Judge, or from any other information before it, that the register of such Zilla Court is duly qualified by his experience, industry and abilities, to be intrusted with the whole or any part of the special powers described in Clauses Fourth and Sixth of this Section, the Sudder Adalut shall communicate its sentiments on the subject to Government, accompanied by a statement of the number of civil suits of every description depending respectively before the Judge and register of such Zilla Court.

Mode of granting ſuch powers to a regiſter.

Third.—On the receipt of the report from the Sudder Adalut, or upon any other information before Government it shall be competent to the Governor in Council to invest such register with the whole or any part of the special powers described in the following clauses of this Section, and information shall be communicated in every instance in which such powers may be vested in a register to the Sudder Adalut and to the Zilla Judge.

Appeals from the Sudder Ameens may be referred to regiſters, whoſe deciſions on them ſhall be final. Exception.

Fourth.—The register may be specially empowered to try and determine any depending suits in appeal from the original decisions of assistants to the register, sudder umeens, or native commissioners, which the Zilla Judge may think proper to refer to him; the decision of the register on such appeals shall be final, unless the Zilla Judge shall see sufficient reason for admitting a second or special appeal, which he is hereby empowered to do, in the same manner, and under the rules prescribed for the guidance of the Sudder Adalut in similar cases.

What fees the regiſters ſhall receive for deciding ſuch ſuits.

Fifth.—On suits which may be referred to a register under the foregoing clause, or which may be decided by him, the register shall be entitled to receive the full amount or value of the stamp duty substituted for the institution fee.

Original ſuits exceeding 500 rupees in amount, may be referred to regiſters.

Sixth.—The registers may be further specially empowered to try and decide any suits above five hundred rupees, and not exceeding one thousand in value or amount, originally instituted in the Zilla Court, which the Judge of such Court may think proper to refer to him. In the trial of all causes referred to a register under this Section, he is to be guided by the rules which are prescribed for the trial of similar causes before the Judge of the Zilla Court.

What fees the regiſter ſhall be entitled to receive on deciding ſuits.

Seventh.—On every suit which may be referred to a register under the preceding clause, and which may be decided by him, the register shall be entitled to a moiety of the stamp duty substituted for the institution fee.

An appeal ſhall lie to the Sudder Adalut from deciſions paſſed by a regiſter in ſuch caſes.

Eighth.—From all decisions passed by a register on suits referred to him under clause Sixth of this Section, an appeal shall lie to the Sudder Adalut, in the same manner and under the same provisions, as if such suits had been tried and determined in the first instance by the Zilla Judge.

Proceſs and communications to a regiſter from the Sudder Adalut how to be iſſued.

Ninth.—In cases in which an appeal may lie to the Sudder Adalut from the original decision of a register, under Clause Eighth of this Section, as well as in all cases in which the Sudder Adalut may have occasion to issue process regarding causes decided by or depending before a register, such process shall be transmitted to the Judge of the Zilla Court, who shall forward the same to the register, or shall himself comply with the exigency of it, if from absence or any other sufficient cause, the register may be prevented from so doing. In like manner all returns and communications from a register to the Sudder Adalut or to any other Court, authority or office, shall be made though the Judge of the zilla in which such register may be employed.

Regiſters may be empowered to try appeals from another regiſter, in caſes under 500 rupees.

Tenth.—It is hereby further provided, that any person exercising the functions of a register of a Zilla Court, may be invested with powers to try and determine depending appeals from decisions which may have been passed by another register on the class of suits specified in Section III. of this Regulation. The Zilla Judges are hereby authorized to refer to registers so empowered any suits of the description

description above adverted to, and such registers will be entitled to the same fees as they would have received, had the suits in question been tried by them in the first instance. No person however shall be vested with the power in question, who may not have been employed in the judicial department for a period of at least six years, nor shall he be competent to try such appeals, except in cases in which the original decision may have been passed by a register, junior in the service to the individual on whom the special power in question may be conferred.

Provided he has been employed for six years in judicial duties; and is senior in the service to the register on whose cases he may sit.

Eleventh.—The Sudder Adalut is empowered to admit a second or special appeal from the decisions which may be passed by registers under the foregoing Clause of this Section, and such special appeals are to be admitted and tried in the same manner as other special appeals cognizable by the Sudder Adalut.

Sudder Adalut may admit a special appeal from such decisions.

Twelfth.—Upon the death, removal or resignation of any register who may have been invested with special powers under the provisions of this Regulation, the person succeeding to the office of register, shall in no case be entitled to exercise such special powers, without the previous sanction of the Governor in Council, and it shall at all times be competent for the Governor in Council to revoke the special powers which may have been entrusted to the register of a Zilla Court under this Section, either from the arrears of business having been sufficiently reduced or for any other cause, which in the opinion of the Governor in Council may render the adoption of that measure expedient.

Special powers not to be exercised by registers without the previous sanction of Government, and such powers may at any time be revoked by the Governor in Council.

VII. The Judges of the Zilla Courts are at all times authorized to recall from the registers any depending suits which may have been referred to them, and which, for the more speedy administration of justice, or for any other reason, the Zillah Judges may deem it proper to determine themselves in the first instance, or to refer to any other competent authority.

Judges may recall suits referred to registers.

VIII. *First.*—It shall be competent to the Governor in Council to appoint one or more registers in any Zilla Court, in addition to the person holding the office under the established constitution of the Courts. Such additional registers shall be denominated second or third register, and shall possess the same powers, and perform the same duties, as the registers to the Zilla Courts under the Regulations in force, either in their ordinary jurisdiction, or under the special powers with which they may be vested, in conformity with Section VII. of this Regulation.

Additional registers may be appointed to any Zilla Court.

Second.—Additional registers shall also be additional senior assistants to the Criminal Judges of the Zilla Courts under Section XLIII. Regulation III. 1818.

Additional registers to be also additional senior assistants to the Criminal Judges.

IX. *First.*—The Judge of the zilla of Surat, within whose jurisdiction the Court of Sudder Adalut is fixed, is hereby authorized to refer to the register of the Sudder Adalut, any original civil suits cognizable by the zilla registers under Section VI. of this Regulation, and which may be now or hereafter depending in his zilla. In the trial of such suits, the register to the Sudder Adalut will exercise the same powers, and be guided by the same rules as are applicable to the zilla registers generally, he shall also be entitled to the same fees, on the decision of the suits as zilla registers; but he must be careful that the trial of such suits be not allowed to interfere with his primary duties as register of the Sudder Adalut.

Zilla Judge of Surat empowered to refer suits cognizable by their register to the register of the Sudder Adalut; such power not to interfere with their duties as register to the Sudder Adalut.

Second.—Whenever such duties shall be confided to the register to the Sudder Adalut, the Zilla Judge shall appoint a convenient place for his Court to be holden in the zilla court house.

Zilla Judge to appoint a place for his court, in the zilla court house.

X. *First.*—It shall be competent to the Zilla Judges, to receive a summary appeal from the orders or decrees of registers, assistant registers, sudder umeen, or native commissioners, in which they may have refused to admit an original suit or appeal, regularly cognizable by them, or having admitted such suit or appeal, may have dismissed it without an investigation of the merits, on the grounds of delay, informality or other default.

Zilla Judges may receive summary appeals from orders or decrees of inferior Courts.

Second.—The Zilla Judges shall regulate their proceedings in the admission, and hearing of such summary appeals, by the same rules as are prescribed for the guidance of the Sudder Adalut in similar cases.

Zilla Judges shall regulate their proceedings in same manner as the Sudder Adalut in such cases.

A. D. 1820. REGULATION VII.

A REGULATION for uniting the powers and functions of the Provincial Court of Circuit and the Superior Tribunal, in a Court, to be styled the Sudder Foujdaree Adalut; to fix the seat of this Court at Surat, and to provide for the appointment of the Judges; and also for prescribing the duties of the Court, and extending the powers of the Criminal Judges.—Passed by the Honourable the Governor in Council on the 29th of November 1820, corresponding with the 9th of Kartkic Vud Sumbut or Vikramajeet era 1877; Salbahan 1742; and 22d of Suffer 1236 of the Hijree.

Preamble. WHEREAS it has been found expedient to unite the powers and functions, hitherto relatively possessed and exercised by the Provincial Court of Circuit and Superior Tribunal, in a Court to be styled the Sudder Foujdaree Adalut; it having likewise been resolved to fix the seat of the said Court at Surat, the Sudder Foujdaree Adalut being composed of the same Judges as the Sudder Adalut; and whereas an extension of the powers of the Criminal Judges has been deemed advisable, the following rules have been enacted, to be in force from the 1st January 1821.

Regulations III. 1800, and VIII. and IX. 1812, rescinded.

II. Regulation III. 1800, and Regulations VIII. and IX. 1812, are rescinded.

Denominations of Provincial Court of Circuit and Superior Tribunal abolished; powers, functions and duties of these Courts united in the Sudder Foujdaree Adalut.

III. The denominations of Provincial Court of Circuit and Superior Tribunal are abolished; and the powers, functions and duties of these Courts, as hitherto relatively possessed and exercised by them, with such extension and modifications as are hereafter provided, are hereby united in a Court, which shall henceforward be styled the Sudder Foujdaree Adalut.

Surat the seat of the Sudder Foujdaree Adalut: seal of the Court.

IV. The city of Surat shall be the seat of the Sudder Foujdaree Adalut; the Court is to use a circular seal, two inches and a quarter in diameter, with an inscription to the following effect in the Persian, Guzuratee and Mahratta languages and characters,—"The seal of the Sudder Foujdaree Adalut."

The Court to consist of four Judges.

V. The Court of Sudder Foujdaree Adalut shall henceforth consist of four judges, to be denominated, respectively, chief judge, second judge, third judge and fourth judge of the Sudder Foujdaree Adalut, and they shall be selected and appointed by the Governor in Council from among the covenanted civil servants of the Company.

Oath to be taken by the Judges.

VI. The Chief Judge and each of the Puisne Judges who may be appointed to the Court of Sudder Foujdaree Adalut, previous to entering upon the duties of his office, shall take and subscribe before the Governor in Council, or such person as he may commission to administer it, the following oath:

I, *A. B.* solemnly swear, that I will truly and faithfully execute the duties of Judge of the Court of Sudder Foujdaree Adalut, that I will administer justice according to the Regulations that have been or may be enacted by the Governor in Council, to the best of my ability, knowledge and judgment, without fear, favour, promise, or hope of reward; and that I will not receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution, from any person whomsoever, on account of any suit or prosecution to be instituted, or which may be depending, or have been decided in the Court of Sudder Foujdaree Adalut, of which I am Judge; nor will I knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution, or from any person whomsoever, on account of any suit or prosecution to be instituted, or which may be depending, or have been decided in the said Court; nor will I directly or indirectly, derive any advantage or emolument from my station, excepting such as the orders of Government do or may authorize. So help me GOD.

Register and assistant register to the Sudder Adalut to be register and assistant register to the Sudder Foujdaree Adalut.

VII. The register and assistant register to the Sudder Adalut shall also be register and assistant register to the Sudder Foujdaree Adalut; and previous to entering upon the duties of their offices, they shall take and subscribe before the Court, the following oath:

I, *A. B*

I, *A. B.* register (or assistant to the register) to the Court of Sudder Foujdaree Adalut, do solemnly swear, that I will truly and faithfully perform the duties of the register (or assistant to the register) to this Court, according to the best of my knowledge and ability; and that I will not receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution to be instituted, or which may be depending, or have been decided in the Court of Sudder Foujdaree Adalut, of which I am register (or to the register of which I am assistant); nor will I directly or indirectly, derive any advantage or emolument whatever from my office, excepting such as the orders of the Governor in Council do or may authorize. So help me GOD.

Oath to be taken by those officers.

VIII. The native law officers and ministerial officers of the Sudder Adalut, shall also be the law officers and ministerial officers of the Sudder Foujdaree Adalut, and previous to entering upon the duties of their offices, they shall make and subscribe the following solemn declaration, as prescribed by Clause Second, Section II. Regulation V. 1819.

Law officers and miniſterial officers of the Sudder Adalut, to be the law officers and miniſterial officers of the Sudder Foujdaree Adalut.

I, *A. B.* kazee (mooftee or pundit, nazir or surishtadar) of the Court of Sudder Foujdaree Adalut, solemnly declare, that I will truly and faithfully perform the duties of kazee (mooftee or pundit, nazir or surishtadar) of the Court, according to the best of my knowledge and ability; and that I will not receive directly or indirectly, any present or nuzzer, either in money or in effects of any kind from any party in any suit or prosecution to be instituted, or which may be depending or have been decided, in the Court of Sudder Foujdaree Adalut, of which I am kazee (mooftee, pundit, nazir or surishtadar), nor will I, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize.

Declaration to be made by them.

IX. The Court shall meet as often as the state of business may require, and shall keep a regular book of its proceedings.

Court to meet as often as may be neceſſary.

X. *First.*—The Court is empowered and directed to take cognizance of all matters relating to the administration of justice in criminal cases, and to call for the proceedings of Criminal Judges and Zilla Magistrates whenever found necessary, and to pass such orders thereupon as they may deem proper and consistent with the Regulations. The Court shall also take cognizance of matters regarding the police of the country, and shall submit to the Governor in Council such Regulations regarding it, and the administration of criminal justice, as it may deem advisable.

Court to have cognizance of all matters relating to the adminiſtration of criminal juſtice and the police, and to call for proceedings of Criminal Judges or Zilla Magiſtrates.

Second.—The powers vested in the Court of Sudder Adalut to suspend from office any Judge of a Zilla Court for disobedience or neglect of any process, rule or order of the Court of Sudder Adalut, or for a false return thereto, are hereby declared to be vested in the Court of Sudder Foujdaree Adalut, in similar cases of disobedience, neglect or false return, by any Criminal Judge or Zilla Magistrate, to any process, rule or order of the Sudder Foujdaree Adalut, which Court is authorized and directed to proceed in such cases of disobedience, neglect or false return, as well as upon cases of neglect or misconduct by assistants to the Criminal Judges or Zilla Magistrates, or other ministerial officers, in the same manner as is prescribed for the guidance of the Sudder Adalut; and in all cases wherein a covenanted servant of the Company, employed in any Criminal Court, or in any office of police, may appear to the Sudder Foujdaree Adalut to have been guilty of neglect of duty, or other misconduct, not expressly provided for by the Regulations, the Court is either to report the same to the Governor in Council, or to advise and admonish the party, as the case may require.

Powers veſted in the Sudder Foujdaree Adalut, in caſes of diſobedience or neglect, or falſe return to any proceſs, rule or order by a Criminal Judge or Zillah Magiſtrate; and how to proceed.

General rule when a covenanted ſervant may appear guilty of neglect of duty or other miſconduct, not provided for by the Regulations.

XI. *First.*—The jail deliveries at the seat of the Court, and in the several zillas, shall be held before the Puisne Judges of the Sudder Foujdaree Adalut, in regular succession.

Jail deliveries to be held before the Puiſne Judges of the Sudder Foujdaree Adalut.

Second.—There shall be two general jail deliveries, annually, in each zilla, with the exception provided for in the next Clause; for which purpose each Puisne Judge shall, in rotation, make the circuit of all the zillas. The first circuit shall commence on the 1st day of March, and the second on the 1st day of October, in each year respectively.

Two general jail deliveries to be made annually; exception. One Judge to make the circuit of all the zillas. Circuits to commence on the 1st of March and 1st of October.

Third.—The jail deliveries of the zilla of Surat, shall be held quarterly before one of the Puisne Judges of the Sudder Foujdaree Adalut, alternately, and shall commence on the 1st of the months of January, April, July and October, respectively, in each year.

The jail deliveries for the zilla of Surat to be held quarterly, before one of the Puiſne Judges of the Sudder Foujdaree Adalut.

Judges to remain at the ſtation of the Criminal Judges, until all the priſoners whoſe trials can be completed, are tried and ſentenced, or their caſes are referred to the Sudder Foujdaree Adalut.

XII. One of the Puisne Judges shall proceed to the places of residence of the Criminal Judges of the several zillas, and unless it be found indispensably necessary from the non-attendance of any material evidence, or other sufficient cause, to postpone any trial until a future session, the Judge shall remain at such station until all persons committed or held to bail for trial, by the Criminal Judge, shall have been tried; and (in matters in which sentence is directed to be passed by the Judge) sentence shall have been passed upon them; or (in cases in which the Judge is not authorized to pass sentence, or in which his sentence is not final) the trial referred to the Sudder Foujdaree Adalut.

Proviſions for caſes of death and other caſualties.

XIII. In case of the death of the Judge proceeding on circuit, or of his inability to perform the circuit from sickness or any other unavoidable impediment, and in like manner, in case of the death of any of the other Judges, the earliest notice of the circumstance is to be communicated to the Governor in Council, who will make such provision for the case as he shall judge most advisable.

The native law officers of the Zilla Courts, to officiate as the native law officers to the Judge on circuit. Declaration to be made by them.

XIV. The native law officers of the Zilla Courts shall officiate in those capacities to the Judge on circuit; and previous to entering on the execution of their duties, they shall make and subscribe before the Judge, the declaration prescribed in Section VIII. of this Regulation.

Rules reſpecting examinations taken before the Criminal Judges.

XV. *First.*—All examinations taken before the Criminal Judges are to be written on separate papers, signed by the deponents, attested by the signature of the Criminal Judge, and arranged according to their respective dates; and, in the examination of witnesses, as well before the Criminal Judge as before the Court of circuit, the following rules are to be strictly attended to.

Rules for the examination of parties and witneſſes.

Examinations to be taken down in the language preferred by the party.

Second.—All examinations of parties and witnesses are to be taken down in the language and character in which the person examined may desire to have the same recorded, and such person, whether party or witness, is to be allowed to read the same when finished, or, if unable to read, it is to be read to him, after which, if he admit the record to be correct, he is to affix his name or mark to it; and the Judge, Magistrate or other officer, before whom such examinations may have been taken, is to certify the same, under his official signature, on the original record, that the proceedings may be complete, for the perusal of the Sudder Foujdaree Adalut and its law officers, in the event of the trial being referred to that Court.

Party to read it or hear it read, and if approved to atteſt it.

Judge to certify it.

Leading queſtions to be avoided.

Third.—In the examination of witnesses, leading questions suggesting an answer, or having a tendency to such suggestion, are to be carefully avoided; and the interrogatories to them are to be proposed in such general terms as may bring forth all the information they possess, and lead to a discovery of the truth; with this view, the parties are to be allowed to cross-examine them when necessary, for the same purpose.

Party and Judge to cross-examine.

What the examinations are to specify.

Fourth.—All examinations of parties and witnesses, besides the name of the person examined, are to specify the name of his or her father, and if a married woman, the name of her husband, also the religion, cast, profession and age of the party or witness, and the place of their residence.

In what manner examinations are to be made reſpecting ſtolen goods.

Fifth.—When any stolen property, or instruments of violence, stated to have been found upon the prisoners, or in their houses, are produced before the Criminal Judge or Court of jail delivery, the prosecutor and any witnesses brought to give evidence thereupon, are to be carefully examined relative to the identity of such property, or instruments recognized by them, and the circumstances of the same having been found upon the prisoners, or in their houses. The principle of this rule is to be further applied in all instances of circumstantial evidence, to which it may be applicable.

Rule to be applied to circumſtantial evidence.

Admonition to be read to witneſſes.

Sixth.—With a view to impress upon the witnesses the necessity of caution and accuracy in delivering their evidence, it shall be the duty of the moolla kooranee, or of the Brahmin or other officer for swearing witnesses, to repeat aloud to them in the language which they best understand, the following admonition, immediately after they shall have been sworn respectively; viz.—

"In delivering your evidence under the oath now administered, you are required to declare the truth, the whole truth, and nothing but the truth; you are carefully to distinguish what you personally know as eye witness, or otherwise, from what you may have heard from others; and are solemnly bound to answer all questions put

to

to you on the trial before the Court, without any regard to the prosecutor or prisoner, to the best of your information and belief."

Seventh.—The Judge on circuit is to be careful to notice on his proceedings, any material differences between the depositions of the same witnesses before him, and the Criminal Judge, and is to question the witnesses thereupon and record their answers.

Judge to notice any variations in the deposition of the same witness.

XVI. All examinations and depositions are to be taken and written in the language in which the deponents are most conversant.

Deposition to be taken in writing, in the language in which the deponent is most conversant.

XVII. The proceedings on the trial of prisoners are to be conducted in the following manner. The charge against the prisoner, his confession (which is always to be received with circumspection and tenderness) if he plead guilty, or, if he plead not guilty, the evidence on the part of the prosecutor, the prisoner's defence, and any evidence which he may have to adduce, being all heard before him, the Judge is to determine as to the matter of fact; in the event of his deeming the charge not proved, he is immediately to pronounce the party acquitted, and to discharge him from the bar: but where, on the contrary, he considers any degree of guilt as proved on the party, he is to proceed to judgment, if the prisoner be a Christian, Parsee, or of other religious persuasion, not Moohumeedan or Hindoo, on the principles of the English law; but if the party tried be a Moohumeedan or Hindoo, the Judge is to draw up a summary of the case which is to conclude by a question thereon, to be stated to the native expositors of the law of the religious persuasion of the parties respectively, as to what punishment is thereby assigned to such offence, on the ascertainment of which, the Judge is on the spot, to pronounce judgment on the party accordingly, except in cases in which he is expressly directed not to pass sentence, and to proceed to issue his warrant for the execution of it, without further reference or delay; provided however, that in all cases where a prisoner may be condemned by such sentence to suffer death or imprisonment for life, the Judge shall transmit a copy of the sentence and of all the papers and proceedings read and recorded during the trial, to the Sudder Foujdaree Adalut, and shall not execute such sentence, but shall wait the final judgment of that Court.

Manner in which the trial of the prisoner is to be conducted.

XVIII. The prosecutor is to be allowed the option of carrying on the prosecution in person, or by a wukeel duly appointed. This rule, however, is not meant to prohibit the Judge causing prosecutors to attend in person in every case in which their *vivâ voce* evidence shall be deemed necessary, provided they be not Moohumeedan, Hindoo, Parsee, or other women, of a rank and situation in life which according to the custom and prejudices of the country, would render it improper to compel them to appear in a Court of justice. If prosecutors or witnesses on a trial shall be women of this description, and their evidence shall be deemed necessary, and the case shall be of such a nature as to admit of its being taken by commission, the Judge shall not require the attendance of such women, but shall depute persons to take their evidence, in such manner as may be most conducive to certainty, and consistent with the manners of the country.

Persons allowed to prosecute by wukeel.

The rule not to prevent the Court requiring, if necessary, the personal attendance of prosecutors.

Exceptions and limitations.

XIX. If the attendance of any witness on the part of the prosecutor or prisoner, whose evidence the law may not allow to be taken by commission, cannot be procured, or if any witness cannot be found, the Judge may postpone the trial until the next session, provided there shall appear to him sufficient cause for so doing. If the attendance of such witness cannot then be procured, or if he shall not have been found, the Judge may, in like manner, postpone the trial a second time. But if the Judge shall be of opinion that the evidence of any witness or witnesses who may be absent, is not necessary, he shall complete the trial without the evidence of such witness or witnesses.

How the Court is to proceed in case the deposition of any witness cannot be obtained.

XX. On trials for murder, the law officers shall, where the parties tried are Moohumeedans, deliver their futwah, or law opinion upon the case, according to the doctrine of Yusuf and Moohummed, respecting which, and the law of the Hindoos likewise, the Judge may refer to the translation of the Hedaya by Hamilton, and of the Hindoo laws by Halhed, and by Sir William Jones, as likewise the tract entitled, "Observations," for the purpose of assisting him in appreciating the accuracy and the applicability of the expositions of the law officers.

In cases of murder, the law officers, if the parties tried be Moohumeedans, are to deliver their futwas according to Yusuf and Moohumed.

No criminal to ſuffer mutilation.

XXI. No criminal shall suffer the punishment of mutilation. If a prisoner shall be declared, in conformity to the exposition of the law officers, liable to the penalty of losing two limbs, instead of being made to undergo such punishment, he may be imprisoned and kept to hard labour for fourteen years: and if declared liable to lose one limb, he may in lieu of such punishment, be imprisoned and kept to hard labour for seven years. The Judges are accordingly directed, whenever any criminal shall be declared liable to suffer mutilation, to commute such punishment by their sentence, for imprisonment and hard labour for the terms above prescribed, and to issue their warrant to the Criminal Judge for that purpose.

Punishment to be inflicted in lieu of it.

Rule in respect to sentences for deyat or price of blood.

XXII. In the event of the answer of the law officer ascertaining, in the case of Moohumeedan culprits, the penalty of the law to be deyat, or the price of blood, the Court of jail delivery is to commute the fine to imprisonment for such period as it may consider adequate to the offence.

How the Court is to proceed, if disapproving of the legal expoſition of the law officers.

XXIII. Whenever the Judge shall disapprove of the exposition of the law, he is not to pass sentence on such cases, but shall complete the trial, and transmit to the Sudder Foujdaree Adalut, a copy of all the proceedings, and the legal exposition of the law officer, with a separate letter, stating the ground of his disapproval, and leave the case to the judgment of the Court; which may be either in concurrence with the exposition of the law, or in mitigation, but not in enhancement of the requisition thereof; and such judgment is to be valid and final. In like manner, when the Court may feel at a loss on the proper application of the English law, in the instance of the trials of Christians, Parsees or others, not being Moohumeedans or Hindoos, the Judge may make a report of the case, and submit his doubts to the Governor in Council, who will obtain for him a legal opinion on the case, by which the Judge shall be guided in passing sentence.

Or entertaining doubts as to the proper application of the Engliſh law.

Religious perſuaſions of witneſſes not to invalidate their teſtimony.

XXIV. The religious persuasions of witnesses shall not be considered as a bar to the conviction or condemnation of a prisoner, in cases in which the evidence given on a trial would be deemed incompetent by the Moohumeedan law, solely on the ground of the persons giving such evidence, not professing the Moohumeedan religion.

Persons convicted of putting to death any one as a ſorcerer, to be held guilty of murder, and puniſhed accordingly.

Perſons holding an aſſembly for the trial of witchcraft, to be conſidered accomplices.

XXV. If any person or persons of any cast or persuasion within the Company's provinces, shall hereafter put any person to death, on the ground of his or her being versed in and practising sorcery, such person or persons, on being convicted of the crime, shall be held guilty of murder, and be punished accordingly; and if any person shall either actually form themselves into an assembly, for the purpose of trying any man or woman on a charge of witchcraft, or on any other charge, or shall cause such assemblies to be held, and any person or persons shall, in consequence, be put to death, they shall be considered as accomplices in the murder, and be dealt with accordingly.

The Judge on circuit is, if practicable, to tranſmit thoſe trials firſt to the Sudder Foujdaree Adalut, on which the priſoners have been ſentenced to capital puniſhment.

XXVI. The Judge on Circuit is to transmit to the Sudder Foujdaree Adalut copies of his proceedings on the trial of all prisoners whom he may sentence to suffer death, or who may in his opinion be deserving of capital punishment, within ten days after the trial is completed, or as much earlier, as from the state of business may be practicable. He is further directed, in the transmission of trials to the Sudder Foujdaree Adalut, to give a preference, as far as practicable, to those trials in which the prisoner or prisoners may have been sentenced to capital punishment, or may be liable to suffer such under the Regulations.

The Judge on circuit is to tranſmit to the Sudder Foujdaree Adalut, as ſoon as poſſible after the cloſe of a trial referrible to the Court, a counterpart of the original record.

In what manner ſuch record is to be authenticated; and what it is to contain.

Proceedings and papers received from the Criminal Judge to be alſo tranſmitted.

Variations in the depoſitions of the ſame witneſs to be noticed.

XXVII. The Judge of the Court of Sudder Foujdaree Adalut before whom the jail deliveries for the several zillahs may be held, shall as soon as possible after the close of any trial, referrible to the Sudder Foujdaree Adalut, and with no further delay than may be necessary to transcribe the proceedings held thereupon, transmit to that Court a complete and exact counterpart of the original record of all proceedings held, and papers received, relative to such trial. The record to be so transmitted is to be authenticated by the signature of the Judge before whom the trial may have been held, and is to include the whole of the proceedings held before the Court, with every examination, exhibit, or material paper of whatever denomination, taken by or delivered to that Court. The whole of the proceedings and papers received from the Criminal Judge upon the case referred, are also to be annexed to, and transmitted with the proceedings of the Court; but any variations between the depositions of the witnesses before the Criminal Judge and Court of jail delivery are to be carefully noticed on the proceedings of the latter; and any

confessions

confessions of the prisoners before the Criminal Judge, any inquests taken in cases of homicide, or any other evidence appearing on the proceedings of the Criminal Judges, are to be entered, with the necessary proofs, on the proceedings of the Court of jail delivery.

Confessions of prisoners, inquests and other evidence before the Criminal Judge, when to be entered, and how.

XXVIII. The Judge on circuit is empowered to direct the Criminal Judge to cause any person or persons who may be guilty of contempt of Court, in open Court, to suffer corporal punishment with a rattan, not exceeding fifteen strokes, or imprisonment for any term not longer than fifteen days.

Punishment to be inflicted on persons guilty of contempt of Court, in open Court.

XXIX. The Judge on circuit is to report to the Sudder Foujdaree Adalut, every instance in which it shall appear to him that the native law officers have shown incapacity for their offices, or have been guilty of misconduct in the performance of their duty, or of any acts of profligacy in their private conduct.

Incapacity or misconduct in public duty, or profligacy in private behaviour, in the law officers, to be reported to the Sudder Foujdaree Adalut.

XXX. The Judge on circuit is to visit the jails, civil as well as criminal, on every circuit, and to issue to the Judge, or Criminal Judge, such orders as may appear to him advisable for the better treatment, accommodation, or security of the prisoners.

Judge on Circuit to visit the criminal and civil jails; to issue orders for the better treatment, accommodation and security of the prisoners.

XXXI. The Judge on circuit is to report to the Sudder Foujdaree Adalut, every instance in which it shall appear to him that Criminal Judges or Zilla Magistrates have been guilty of neglect or misconduct in the discharge of their duty. He is also to acquaint the Sudder Foujdaree Adalut whenever the Criminal Judges or Zilla Magistrates omit or refuse to obey his orders.

Neglect or misconduct of the Criminal Judges or Zilla Magistrates to be reported to the Sudder Foujdaree Adalut.

XXXII. The Judges, individually, may submit to the whole Court, such rules as may appear to them calculated for the better regulation of the trials of prisoners, the administration of justice, or the police of the country.

The Judges, individually, to submit to the whole Court, rules for the better regulation of trials and other matters.

XXXIII. The Judges on their return from each circuit, are to lay before the whole Court, a report containing such observations as they have made during the circuit, regarding the effect of the present system, for administering the criminal laws, in the prevention and punishment of crimes, as well as respecting the state of jails, the treatment and employment of the prisoners, and such other matters as they may think deserving the notice of the Court.

Judges after each circuit to report their observations on the effect of the system, the state of the jails and other particulars.

XXXIV. *First.*—No pecuniary compensations, nor sums as damages, shall be adjudged to, or be recoverable by individuals in any criminal prosecution; nor shall any fines be imposed by any Court of criminal jurisdiction, save and except to the use of Government; and whenever a fine to the use of Government shall be imposed, the Court, which may pass the sentence, shall at the same time, weighing all the circumstances of the case, fix a definite period of imprisonment to be held as equivalent to the fine, at the expiration of which, the persons convicted shall be discharged, although they should have omitted to pay the fine. The imprisonment awarded under this Section, as an equivalent for fines imposed, shall be temporary in all cases, and not for life; and such sentences shall be executed without reference to the Sudder Foujdaree Adalut.

Pecuniary compensations and sums as damages to individuals, not to be recoverable in the Criminal Courts.
Fines how to be imposed; for whose use; what period of imprisonment is to be held equivalent to the fine.

Second.—Whenever the law officers of the Court of jail delivery shall declare prisoners liable to pecuniary fines of any kind, for any other acts than murder, the Court shall, at its discretion, commute such fines to imprisonment for such period as it may think adequate to the offence, and the sentences in such instances shall be carried into execution, without reference to the Sudder Foujdaree Adalut, if for temporary imprisonment; or referred to that Court, if for imprisonment for life, which shall at its discretion confirm the said sentences, or mitigate, or entirely remit the imprisonment awarded.

Court of jail delivery empowered in certain cases to commute sentences of fines to imprisonment for a term, or for life; but when for life, their sentences referrible to the Sudder Foujdaree Adalut.

Third.—Nothing contained in this Section shall be construed so as to prohibit the restitution to the lawful owners of stolen property, recovered and produced before the Criminal Judges, and Court of jail delivery, nor to restrict the Criminal Court from adjudging a reimbursement of costs actually incurred, upon a prosecution before it, by either of the parties thereto, in particular instances, wherein it may consider such reimbursement just and equitable; nor to restrict the Zilla Magistrates and Criminal Judges from making the award of the whole or portion of a fine, in cases of personal injuries, prescribed by Clause Second, Section XXXVII. and Section LXXIV. Regulation III. 1818.

This Section not to prevent the restitution of stolen goods nor of reimbursement of costs in particular cases; nor the application of a fine when levied in cases of personal injury, provided for by Clause Second Section XXXVII. and Section LXXIV. Regulation III. 1818.

Appeals to be tried by the Puiſne Judge on circuit in the Southern Concan.

XXXV. A Puisne Judge of the Sudder Foujdaree Adalut, when on circuit in the zilla of the Southern Concan, is hereby authorized to try appeals, under the general Regulation, in causes in which the ground of action may arise within that remote district, and which shall have previously been regularly admitted upon the file of the Sudder Adalut.

Authority for the Judge's proceeding, and how his acts are to be regulated.

XXXVI. An order of Court by the Sudder Adalut, shall be the authority for the Judge's proceeding in such cases; and his acts shall be regulated by the like powers and subject to the same restrictions, limitations and exceptions as are prescribed to the Zilla Court.

If the decree affirm the deciſion of the lowerCourt, a further appeal to the King in Council only to be allowed.

A ſpecial appeal to the Sudder Adalut, or regular appeal to the King in Council, at the option of the party caſt, allowable, when the decree reverſes the deciſion of the lower Court.

XXXVII. If the decree of the Judge, acting under the authority granted by the the two preceding Sections, affirm the decision of the lower Court, no further appeal shall be allowed, except the party cast be desirous of carrying the suit before the King in Council; but when his decision may have reversed the decree of the lower Court, the party cast may prefer a special appeal in the case to the Sudder Adalut collectively, under the conditions prescribed by the Regulations for such appeals, or he may appeal the case, in a regular manner, to the King in Council.

Powers granted to the Judge on Circuit to enquire into and reglate the proceedings of the Zilla Civil Courts.

And to introduce improvements.

XXXVIII. The Judge on circuit, in addition to the powers of superintendence and revision vested in him by the existing Regulations, shall also have authority to enquire into and regulate the proceedings of the Zilla Civil Courts, with the view to maintain a due obedience to the Regulations of the Government, and an uniformity of system; it shall also be competent for him to propose the introduction of improvements in the method of proceeding in any zilla which may have been found useful in another.

Proviſions for their guidance on a difference of opinion arising between the Judge on circuit and the local authorities, on the meaning and conſtruction of any Regulation referred to by the former.

And for a reference to the Governor in Council in the event of thoſe authorities entertaining doubts of the utility or fitneſs of any improvement ſuggeſted by the Judge on circuit.

XXXIX. Should any difference of opinion arise between a Judge on circuit, exercising the functions prescribed in the foregoing Section, and a Judge, Criminal Judge, or Zilla Magistrate, regarding the meaning and construction of any Regulation referred to by the former, in any order or instructions he may issue to such local authorities, the question shall be referred to the Sudder Adalut, or Sudder Foujdaree Adalut, collectively, according as it may be connected with the administration of civil or criminal justice, which Courts shall proceed to decide upon it agreeably to the provisions of Regulation VIII. 1820. But, should a Judge, Criminal Judge, or Zilla Magistrate, entertain doubts of the utility of any improvement suggested by the Judge on circuit, for which no specific provision by Regulation may have been made, and the Judge, after duly considering the objection stated, continue of opinion that the suggested improvement ought to be introduced, he shall suspend further proceeding, and report the circumstances of the case, with his sentiments thereon, to the Governor in Council, who, if agreeing with the Judge on circuit as to the utility and fitness of the suggested improvement, will either direct the Sudder Adalut, or Sudder Foujdaree Adalut, according as the question may pertain to the administration of civil or criminal justice, to frame a corresponding Regulation, and submit it to the Government, or will issue such orders on the case as may be judged most proper; should the Governor in Council disapprove of the improvement recommended, and communicate his sentiments to the Judge, or Court collectively, all proceedings therein shall thenceforward cease.

How to be determined.

Juriſdiction of the Sudder Foujdaree Adalut in matters referred to the Court, by the Judge on circuit.

XL. The Court of Sudder Foujdaree Adalut shall have jurisdiction and authority to decide on all matters referred to it by the Judge on circuit; wherein, after considering the proceedings, it is either to require further evidence, if it see occasion, or to pass such final sentence as may appear consonant to justice and conformable to the law of the religion of the party or parties tried, or the custom of the country, without being bound by the former, in cases of Moohumeedan culprits, where the law of that religion may declare the prisoner not liable to capital punishment, from the heirs of the slain not being legally entitled to demand kissas or retaliation; or by its failure, from the parties standing in the relation of parent and child, or master and slave, or otherwise, in which cases, the final sentence is to be pronounced, as if the parties had not stood to each other in these relations.

Chief Judge to be fixed at the ſeat of the Court. Three Judges, whenever practicable, to ſit on trials referred by the

XLI. *First.*—It being expedient that the Chief Judge of the Sudder Foujdaree Adalut, should remain fixed at the seat of the Court, for the conduct of the public business, and that the proceedings on trials referred to the Court collectively, by a Puisne Judge on circuit, should, in every instance, come before three Judges, unless

unless when the absence of any member of the Court shall be caused by sickness or other unavoidable impediment; and as the reference of cases by the Judge delivering the jail of Surat, at the quarterly sessions established for that zilla, will generally be made while a Puisne Judge is absent on circuit, it is further advisable that the Chief Judge should preside in the Court composed of two Judges, which shall revise such proceedings, and this is accordingly, together with the provision made in the first part of this Clause, hereby so provided for and directed. It shall also be considered an invariable rule, that the Judge who tried a case or referred any question to the Sudder Foujdaree Adalut, shall forbear to attend the Court when such case is revised or question examined, although present at the seat of the Court at the time.

Puisne Judge on circuit. Chief Judge not to sit on the quarterly sessions at Surat, that he may be able to preside in the Court of Sudder Foujdaree Adalut, trying references from the sessions.

Second.—On the receipt of the proceedings referred to the Court by a Judge on circuit, the Court of Sudder Foujdaree Adalut, consisting of not less than two Judges, shall meet, and the register shall lay before them the proceedings of the Judge, including the question propounded by him, and referred for the opinion of the native law officer, with the exposition of the law thereon. After duly considering the same, if the Court concur in the conviction, they shall require their law officers to state in writing, whether the futwah or wuwusta of the law officer is conformable to the laws of the religion of the defendants or accused parties; if it be not, they shall state what futwah or wuwusta ought in their opinion, to have been delivered, and subscribe their names to their respective opinions; when the Court of Sudder Foujdaree Adalut, after perusing the proceedings of the Judge on circuit, the futwah or wuwusta of the law officers of that Court, and the futwah or wuwusta of those of the Sudder Foujdaree Adalut, shall pass the final sentence.

Court of Sudder Foujdaree Adalut consisting of not less than two Judges, to meet on receiving references from the Judge on circuit.

The law officers to be required to state in writing their opinion of the futwah or wuwusta.

Court to pass sentence.

Third.—In any sitting of the Sudder Foujdaree Adalut, held before three Judges, a difference of opinion shall be regulated by the majority; when two Judges sit, the senior shall have the casting voice, on a difference of opinion, provided he concur with the Judge on circuit, before whom the trial under reference may have been held; but if the senior Judge shall not concur, with respect to the conviction of the prisoner, sentence shall not be passed until another Judge of the Sudder Foujdaree Adalut can sit with them upon the trial.

Provisions for the guidance of the Court on a difference of opinion among the Judges.

XLII. The Judges of the Sudder Foujdaree Adalut on passing the final sentence, shall immediately issue their warrant to the proper Criminal Judge, to cause the sentence to be carried into execution. The Criminal Judge, upon the receipt of the warrant, shall cause the sentence to be executed, without delay, and return the warrant to the Court of Sudder Foujdaree Adalut, with an endorsement, attested with his official seal and signature, certifying the manner in which the sentence has been exeeuted.

Judges to issue their warrant directing execution of the sentence so soon as passed.

Criminal Judge to cause the sentence to be executed immediately upon the receipt of the warrant.

XLIII. If any criminal who may be sentenced to suffer death shall appear to the Sudder Foujdaree Adalut to be a proper object for mercy, the Sudder Foujdaree Adalut is authorized to suspend the execution of such sentence, and to submit the case, with a correspondlng recommendation, to the Governor in Council, who may grant a pardon to him or her, or make such commutation of the punishment as may seem proper.

Cases of criminals sentenced to death, who may appear to be deserving of mercy, to be submitted for pardon to the Governor in Council.

XLIV. In cases of a heinous nature, such as murder, gang robbery, arson and the like, wherein the crime may be known to have been committed by several persons, the principal of whom may not have been apprehended or convicted, if on the representation of the Criminal Judge or Zilla Magistrate, or Judge of Sudder Foujdaree Adalut on circuit, it shall appear to the Sudder Foujdaree Adalut, that an offer of pardon to one or more of the supposed accessaries (on condition of their making a full disclosure of every circumstance within their knowledge, relative to the commission of the crime, and the several persons concerned in it), may lead to the apprehension or conviction of the principal offender or offenders, the Court is to submit the case to the Governor in Council, who, if he approve the same, will authorize such offer of pardon; and, on the condition of it being fulfilled, the Sudder Foujdaree Adalut is to confirm it by a written certificate or testimonial, under the signature of its register, and the seal of the Court, to be delivered to the party or parties for his or their security, as far as regards the act or acts therein referred to.

The Sudder Foujdaree Adalut may recommend a pardon to accessaries in crimes of a heinous nature, for the apprehension or conviction of the principal offenders.

In what manner such pardon is to be granted.

The Judge on circuit, and Criminal Judges and Zilla Magiſtrates, to report caſes in which a pardon for the above purpoſe ſhould be offered.

XLV. The Puisne Judge on circuit, and the several Criminal Judges and Zilla Magistrates, are to report to the Sudder Foujdaree Adalut whenever it may appear to them expedient to tender an offer of pardon, for the purpose stated in the foregoing Section; communicating at the same time all the information they may possess respecting the circumstances of the case, as well as the measures taken to apprehend or convict the offenders, for whose apprehension or conviction the proposed pardon may be recommended.

Tranſportation beyond ſea confined to convicts ſentenced to confinement for life. How to be adjudged.

XLVI. *First.*—Transportation beyond sea shall be hereafter restricted to convicts who may be sentenced to confinement for life; and in all instances wherein a sentence of confinement for life may be passed against a prisoner, whether by a Court of jail delivery in the first instance, or finally by the Sudder Foujdaree Adalut, the Court passing such sentence, if it deem the prisoner a proper object of transportation beyond sea, shall at the same time, adjudge him or her to be transported for life.

Powers of the Courts in regard to convicts ſentenced to confinement for life, but not conſidered proper objects of tranſportation beyond ſea, as alſo in reſpect to convicts ſentenced to a limited period.

Second.—In the cases of convicts sentenced to confinement for life, whom a Court of jail delivery, or the Sudder Foujdaree Adalut, may not consider proper objects of transportation beyond sea, under the preceding Clause; as well as in all cases of convicts sentenced to imprisonment for a limited period, the Court by whom the sentence is passed, if it deem the same proper on consideration of the prisoner's offence, may adjudge him to be banished during the period of his sentence, from the district in which his place of abode is situated; and to be kept to hard labour on the public roads or other public works, in any other district to which he may be removed by order of the Sudder Foujdaree Adalut.

Reports to be made by the Criminal Judges of convicts ſentenced to be tranſported or baniſhed under the two preceding Clauſes.

Third.—The Criminal Judges of the several zillas, at the close of the jail delivery of their respective districts, or at any other period when the same may be required by the Sudder Foujdaree Adalut, shall transmit to that Court a list of the convicts in their respective jails who may have been sentenced to transportation beyond sea, or to banishment from the district in which the offenders may have resided, under each of the two preceding Clauses; specifying in such lists the names, ages, crimes and sentences of the several convicts; and in the list of those sentenced to banishment, the district in which they may have usually resided before they were brought to trial.

Sudder Foujdaree Adalut declared competent to order the removal of convicts under ſentence of impriſonment, to any jail or diſtrict within the Company's poſſeſſions.

Fourth.—The Sudder Foujdaree Adalut is declared competent to order the removal of all convicts under sentence of imprisonment, to any jail or district within the Company's possession, in which it may be thought proper to keep or employ them during the period of their respective sentences, although no specific sentence of banishment may have been passed against them under Clause Second of this Section. But no such removal shall take place without the special order of the Sudder Foujdaree Adalut.

Section IV. Regulation III. 1802 reſcinded. Convicts eſcaped from jail, or otherwiſe, during their ſentences, and re-apprehended, to be brought to trial for ſuch eſcape, or for any acts of violence attending the ſame.
How puniſhable on conviction.

XLVII. *First.*—Section IV. Regulation III. 1802, is hereby rescinded. Convicts sentenced to imprisonment by a Court of jail delivery, or by the Sudder Foujdaree Adalut, who during the period of their sentences may escape from jail, or other place of confinement, or from the roads, or any other place where they may be employed, and who may be re-apprehended, shall be brought to trial before a Court of jail delivery for such escape, as well as for any acts of violence or aggravating circumstances attending their escape, or for any violent acts done in an attempt to escape; and on conviction they shall be liable to such further punishment in addition to their former sentences, as may be adjudged against them, on consideration of the circumstances of the case, under the provisions contained in this Regulation.

Convicts under ſentence of tranſportation for life, who may be tranſported after the promulgation of this Regulation, and ſhall eſcape and return, without permiſſion, to any part of the Company's territory under the

Second.—Any convict under sentence of transportation for life, who may be transported to any place beyond sea, and shall escape from such place of transportation, and return without permission, to any part of the Company's territory under the Presidency of Bombay, shall (notice of this penalty being duly made to the convict at the time of passing sentence on him), on conviction thereof, to the satisfaction of the Sudder Fuojdaree Adalut, and if no circumstances appear to that Court to render such convict an object of mercy, be adjudged to suffer death.

preſidency of Bombay, declared liable on conviction, to ſuffer death.

Criminal Judges in certain caſes empowered to paſs ſen-

XLVIII. *First.*—In extension of the powers of punishment vested in the Criminal Judges by Section XLVII. Regulation III. 1818, and by Section VI.

Regulation

Regulation IX. 1819, it is hereby provided, in cases of conviction before a Criminal Judge of a criminal offence, for which the Criminal Judge may deem imprisonment for a period above two years and not exceeding seven years, with or without hard labour, an adequate punishment, the Criminal Judge shall pass sentence accordingly, but suspend execution of it until he shall have referred the case, together with copies of all papers belonging to or connected with it, for the approval of the Sudder Foujdaree Adalut, which reference he is required to make within fifteen days from the date of the sentence; and the order of the Sudder Foujdaree Adalut confirming, mitigating, altering or annulling the sentence, shall be final.

tence of imprisonment with or without labour for a term not exceeding seven years; but all cases, in which the sentence may award imprisonment for a period of more than two years, are to be referred for the approval of the Sudder Foujdaree Adalut.

Sudder Foujdaree Adalut empowered to confirm, mitigate, alter or annul such sentence.

Second.—The Criminal Judges are hereby impowered to pass and carry into execution sentences of imprisonment, with or without hard labour, for a term not exceeding two years, without making the reference required by the preceding Clause; all such sentences being revisable under the provisions of Section LXIV. Regulation III. 1818. But the additional authority given by this Section to Criminal Judges, is not extended to their senior assistants, unless when the latter may be officiating in the office of Criminal Judge by the special appointment of the Governor in Council; the powers of awarding punishment of senior assistants to Criminal Judges remaining as heretofore, and being no longer co-extensive with those of the Criminal Judges.

Criminal Judge to pass sentence of imprisonment if for any term below two years, without reference to the Sudder Foujdaree Adalut; such sentences being nevertheless revisable under the Regulations.

Powers of the senior assistants to Criminal Judges not enlarged by these provisions, but to remain as heretofore.

XLIX. To obviate any misunderstanding and difficulty from the denominations of Provincial Court of Circuit, and Superior Tribunal continuing unaltered in many places of the general Regulations, as an entire change of the text in this respect would be attended with much inconvenience, it is hereby provided, that whenever reference is made in direct terms, or by inference, in any existing Regulation, to the former Provincial Court of Circuit, or Superior Tribunal, this shall henceforth be held and taken to apply to the Sudder Foujdaree Adalut only, in either its highest or subordinate capacity, according as the matter referred to may relate to one or other of the former Courts.

Provision for determining the application of the denominations, Provincial Court of Circuit, and Superior Tribunal, in the existing Regulations.

A. D. 1820. REGULATION VIII.

A REGULATION for rescinding Regulation XI. 1812, and for re-enacting its provisions for the guidance of the Courts of Justice, in cases of a difference of opinion on the meaning and construction of the Regulations, in a form to correspond with the existing powers and functions of the Courts of Sudder Adalut, and Sudder Foujdaree Adalut.—Passed by the Honourable the Governor in Council on the 29th of November 1820, corresponding with the 9th of Kartick Vud Sumbut or Vikramajeet era 1877; Salbahan 1742; and 22d of Suffer 1236 of the Hijree.

WHEREAS the new constitution of the Court of Sudder Adalut, and abolition of the Provincial Court of Appeal, together with the junction of the duties of the former superior Tribunal and Court of Circuit, in the Court denominated the Sudder Foujdaree Adalut, renders it necessary to rescind Regulation XI. 1812, in its present shape, but to re-enact its provisions under a form corresponding with the powers and functions of the said Courts, as now established, the Governor in Council has therefore passed the following Rules, to have effect from the 1st of January 1821.

Preamble.

II. Regulation XI. 1812 is hereby rescinded.

Regulation XI. 1812, rescinded.

III. Whereas doubts may arise as to the duty of Zilla Judges, Criminal Judges, or Zilla Magistrates, in cases wherein they may construe the general rules prescribed by Government in a different sense from the construction given thereto by the Judges of the Sudder Adalut or Sudder Foujdaree Adalut; and it being of consequence, to prevent delay in the administration of justice, that a clear rule of conduct should be established to provide for such cases, it is hereby enacted.

Reasons for the provisions enacted by this Regulation.

IV. In all instances wherein a precept issued by the Courts of Sudder Adalut or Sudder Foujdaree Adalut, to a Zillah Judge, or Criminal Judge, or Zillah Magistrate, shall appear to such Judge or Magistrate to be contrary to, or unwarranted by the existing Regulations, he is authorized to state to the Court of Sudder Adalut

Zillah Judges, Criminal Judges and Zilla Magistrates may state objections to precepts of the Sudder Adalut or Sudder Foujdare

Adalut, if considered contrary to or unwarranted by the Regulations, and suspend execution till receipt of a second precept.

Adalut or Sudder Foujdaree Adalut, in what respect he considers their precept to be in deviation from the Regulations; and suspend execution until the receipt of a second precept, in reply to his objections. But if the second precept of the Sudder Adalut or Sudder Foujdaree Adalut, in reply to the objections of the Zillah Judge, Criminal Judge, or Zillah Magistrate, shall confirm their first precept, in whole or in part, and shall require the Zillah Judge, Criminal Judge, or Zillah Magistrate to execute the same without further reference, he shall immediately comply with such requisition. In case however the second precept of the Sudder Adalut, or Sudder Foujdaree Adalut shall not satisfy the Zillah or Criminal Judge, or Magistrate that the Regulations have been rightly construed, he is at liberty, at the same time that he certifies the execution of the order of the Sudder Adalut or Sudder Foujdaree Adalut, to request that the Judges will transmit copies of their precepts to him, and of his returns thereto, with such other papers as may be necessary for the information of the circumstances of the case to the Governor in Council; and the Sudder Adalut shall accordingly transmit such papers, as requested, without any unnecessary delay: provided nevertheless, that nothing in this Regulation be understood to authorize any Zillah Judge, Criminal Judge or Zillah Magistrate to question the propriety of any order issued by the Sudder Adalut or Sudder Foujdaree Adalut, in cases clearly left to the discretion and judgment of these Courts by the Regulations; the reference to them, meant to be authorized by this Regulation, being confined to cases in which the sense of the Regulations, from a difference of construction or otherwise, may appear doubtful and uncertain.

To comply with a second precept; but if still of opinion the precept is unwarranted may request that the case be laid before the Governor in Council.

Proviso.

Determination of the Governor in Council to be conclusive.

V. In all references made under the preceding rule, the determination and order thereon of the Governor in Council is to be held final and conclusive by the Sudder Adalut, Foujdaree Adalut, Zillah and Criminal Judges, and Magistrates.

Sudder Adalut or Sudder Foujdaree Adalut to report to the Governor in Council any case in which they have doubts on the meaning of the Regulations.

VI. Should any doubt occur to the Sudder Adalut or Sudder Foujdaree Adalut with respect to the meaning of any part of the Regulations, or should it appear to them on occasion of any reference under the preceding rule, that the Regulations do not sufficiently provide for the case before them, they are, in the former case, to report the circumstances of it to the Governor in Council, that a new Regulation may be framed, in explanation of such doubt; and, in the latter case, are to propose a new Regulation.

RULE, ORDINANCE AND REGULATION I. 1820.

A RULE, Ordinance and Regulation for establishing an effective control over the shipping resorting to the port of Bombay; for preventing the desertion of the crew of ships; the European soldiers of the garrison offering themselves as seamen, and for the better security of the harbour and dock-yard of Bombay.—Passed by the Honourable the Governor in Council of Bombay on the 31st of May 1820; and registered in the Honourable the Court of the Recorder of Bombay on the 11th day of July 1820.

Preamble.

WHEREAS, by the statute passed in the forty-seventh year of his late Majesty king George the Third, intituled, "An Act for the better Government of the settlements of Fort St. George and Bombay," it is enacted, that it shall be lawful for the Governor in Council to make and issue Rules for the good order and civil government of this Island, subject to the previous condition of being duly registered and published in the Court of the Recorder of Bombay, and to such other conditions as are imposed by the statutes of the thirteenth, thirty-ninth and fortieth of his late Majesty, upon the exercise of a like power at Fort William in Bengal by the Governor General in Council; and whereas it is expedient, that certain provisions and rules contained in Regulation II. A.D. 1810, intituled, "A Regulation for the Port of Bombay, passed by the Governor in Council on the 30th September 1810, &c." should be amended and modified; and together with other new rules and provisions for the better government of the Port of Bombay, be promulgated in due form, and receive undisputed legal authority.

Be it therefore ordained, by the authority of the Honourable the Governor in Council now assembled, and in virtue of the power by the said statute conferred, that

that from and after the due registry and publication of this Rule, Ordinance and Regulation in the Court of the Recorder of Bombay, the said Rule and Ordinance, consisting of the Articles hereinafter stated, shall have the full force of law within this island, and shall be strictly obeyed as such by all his Majesty's subjects, and other persons inhabiting or residing, or being in the same.

Captains of ships to report arrival, to the ſuperintendent of marine, to produce ſhip's log, and authority for paſſengers;

ARTICLE I.—Captains of the Honourable Company's Ships, as well as all commanders of licensed and country ships or vessels arriving at the Port of Bombay, are hereby directed to report, themselves in person, at the superintendent's office, on landing from their respective ships, to produce the ship's log-book, and authority for receiving all passengers or persons on board, in his Majesty's and in the Honourable Company's service, and all others who may not be part of their crew. The log-book will be returned without any unnecessary delay. No merchant ship or vessel will be admitted to entry at the Custom-house without a certificate from the superintendent of marine that the provisions of this Article have been complied with.

and which neglecting, the ſhip not admitted to entry.

To deliver a liſt of crew and paſſengers to the inſpector of the port, on arrival, and liſt of caſualties at departure.

ART. II.—Captains of the Honourable Company's ships, as well as all commanders of licensed and country merchant ships and vessels, shall on their arrival, deliver to the inspector of the port a list of the crew and passengers on board at the time of the ship's arrival; another list is to be delivered to the same officer, of all the persons on board at the departure of the said ship, and the said list is to show all the casualties that have occurred (by deaths, desertions, discharges or new shipments) while the said vessel remained in harbour. A port clearance shall not be countersigned by the superintendent of the marine, unless it be accompanied by the departing list, corrected in the manner required by this Article.

On failure, port clearance refuſed.

Notice to be given to the ſenior police magiſtrate of the diſcharge of ſeamen, for regiſtry; and in caſe of deſertion, for apprehenſion;

ART. III.—Before any European seaman, or other European or American is discharged from any ship in the harbour to the shore, previous notice shall be given to the senior magistrate of police, when such European or American is to be sent to the Police Office for registry; and in all cases of desertion, immediate notice thereof is to be given to the senior magistrate of police, with the name and particular description of the person or persons deserting, in order that he or they may be apprehended, and returned to their ships; on the apprehension of such deserter, a reward of rupees eight will be given, to be charged against the ship to which he may belong, to be paid to the person or persons by whom such service shall have been performed.

and a reward granted, chargeable on the ſhip.

Penalty for non-compliance.

Commanders or others, who shall discharge any European seamen, or European or American from on board their ships, or shall suffer any European or American to be so discharged, without giving previous notice to the senior magistrate of police, or shall wilfully suffer any such persons to desert, without giving immediate notice thereof to the senior magistrate of police, in manner and form as required by the above Article, shall for the first offence, be fined five hundred rupees, and for the second and each succeeding offence, be fined one thousand rupees.

Permiſſion of the ſuperintendent if a ſeaman, and of the town major if a ſoldier, neceſſary before receiving any perſon on board.

ART. IV.—No European seaman or other person (being an European or American) is to be received or entertained on board any ship or vessel in the harbour from the shore, without permission in writing from the superintendent, if he be a seaman, or the town major if he be a soldier. Commanders, or others who shall be guilty of a breach of this article, and shall entertain Europeans on board their ships, who may prove to be deserters from His Majesty's or the Honourable Company's naval, military or marine services, shall for the first offence be fined five hundred rupees, and for the second and each succeeding offence, be fined one thousand rupees.

Penalty for neglect.

Ballaſt not to be thrown overboard.

ART. V.—No ballast of any description is to be thrown overboard from any ship or vessel within the harbour. Any commander or officer against whom a breach of this prohibition shall be proved, shall for the first offence be fined six hundred rupees, and for the second one thousand rupees, and the like sum for all succeeding breaches of this Regulation. A reward of ten rupees will be paid to any person who shall be able to establish a breach of this prohibition.

Penalty.

Reward for information.

No merchant ſhips to ſail without a port clearance, on pain of forfeiting their licenſe.

ART. VI.—No merchant ship or vessel shall sail out of this harbour without a port clearance. Commanders and others offending against this Regulation, will be considered as having forfeited their licenses, and shall be treated accordingly.

Ships in dock not to land lumber without permiſſion; and it is to be removed previous to leaving dock.

ART. VII.—The ships and vessels in the dock are not to land any lumber whatever on the dock piers, without the permission of the Superintendent, and care is to be taken to remove all such lumber, and clean the place in which it may have been deposited, before the vessel goes out of dock. In the event of any dirt or lumber being left on the dock piers, when a ship is going out of dock, the same will be removed, and the expense thereof charged to the ship.

Natives unemployed in the dock yard not admitted there.

ART. VIII.—No native of any description, not engaged in the service of the dock yard, or of His Majesty, or the Honourable Company's ships and vessels, or concerned in the ships under repair, shall be admitted into the dock yard. Natives found in the dock yard, contrary to this Regulation, and who shall not leave the place immediately on notice being given to them by the orders or authority of the superintendent of marine, or master attendant, to quit the same, shall be punished by the petty sessions.

Penalties under this Regulation to be ſued for in the Court of Recorder or Court of Requeſts.

ART. IX.—All breaches of this Rule, Ordinance and Regulation, and all fines, penalties, forfeitures, debts and sums of money incurred or due, under and by virtue thereof, unless where otherwise provided for, shall be prosecuted and sued for in the Court of the Recorder; provided always, that in case the amount of such fine, penalty, forfeiture, debt and sum of money shall not exceed the sum of rupees eighty, it shall be sued for in the Court of Requests.

2.

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

REGULATIONS

PASSED BY THE GOVERNMENTS

OF

BENGAL, FORT ST. GEORGE, AND BOMBAY,

IN THE YEAR

1821.

(Presented in pursuance of Act 53 Geo. III. c. 155, sec. 66.)

Ordered, by The House of Commons, *to be Printed,*
5 *August* 1822.

I.—BENGAL - - - - - - - - - - - - pp. 5—25
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REGULATIONS Passed by the Governments of India in the Year 1821:—Presented to the Honourable the House of Commons, in pursuance of an Act of Parliament of the 53 Geo. III. c. 155, sec. 66;—Viz.

I.—By the Governor General in Council of BENGAL, in the Year 1821;

N° I. to V. and one Rule, Ordinance and Regulation.

Regulation.

I.—For the appointment of a special Commission in the Ceded and Conquered Provinces, for the investigation and decision of certain claims to recover possession of land illegally or wrongfully disposed of by public sale, or lost through private transfers effected by undue influence; and for the correction of the errors or omissions of the proceedings adopted by the revenue officers, in regard to the record and recognition of proprietary rights, and the ascertainment of the tenures, interests and privileges of the agricultural community:—

Passed on the 13th of January 1821 - - p. 5

II.—For increasing the powers of Moonsiffs for extending in special cases the powers of Sudder Ameens in the trial and decision of civil suits, and for authorizing the Zillah and City Registers, and Sudder Ameens, to discharge certain additional duties under the direction of the Zillah and City Judges; for providing for an increase in the number of Moonsiffs when necessary; and for authorizing Sudder Ameens to hold their cutcherries at any place where there may be a Register holding his court at a distance from the fixed station of the Judge and Magistrate; also for amending the rules at present in force for the institution of suits connected with the local jurisdiction of such Registers, for rescinding such parts of the existing Regulations as authorize the Registers of Civil Courts to receive a proportion of the institution fees on suits which may be referred to them for decision; for altering in certain cases the rule at present in force for the execution of decrees of the Provincial Courts in original suits, and of the decrees of the Court of Sudder Dewanny Adawlut on appeals from such decrees, and for abolishing the office of Register of the Provincial Courts of Appeal and Circuit:— Passed on the 19th of January 1821 - - p. 13

III.—For extending in special cases the powers of Assistants to the Magistrates; for empowering the Hindoo and Mahomedan Law Officers of the Zillah and City Courts and Sudder Ameens to try and determine petty thefts, and other criminal cases of a trivial nature, when referred to them by a Magistrate; for limiting the period of appeal in foujdary cases; for rescinding parts of Section XII. and Section XVII. Regulation XXII. 1816; for modifying some of the rules in force relative to the rate and collection of the assessment levied for the the maintenance of Chowkeedars of Police; and for vesting the Magistrates with certain powers in regard to persons travelling through, or assembling within their jurisdictions, under suspicious circumstances:—

Passed on the 19th of January 1821 - - p. 17

IV.—For authorizing a Collector of Land Revenue, or other Officer employed in the management or superintendence of any branch of the territorial revenues, to exercise in certain cases the powers of Magistrate or Joint Magistrate, and for authorizing a Magistrate or Joint Magistrate, or Assistant to a Magistrate to exercise in certain cases, the powers of a Collector of Land Revenue, or of any other Officer employed in the management or superintendence of any branch of the territorial revenues; also, for explaining the duties of an Assistant to a Collector of Revenue, and for defining the duties and powers vested in Assistant Collectors or other Officers appointed to the charge of the revenues of Pergunnahs or other local divisions, or employed in the performance of any portion of the functions ordinarily belonging to Collectors of Land Revenue:— Passed on the 19th January 1821 - - p. 20

V.—For settling the rates at which Benares and Furruckabad rupees shall be received in payment of the revenue of Malgoozars, whose engagements are expressed in Gohurshahee or Tirsoolee rupees:— Passed on the 23d November 1821 - - p. 22

II.—By the Governor in Council of Fort St. George, in the Year 1821;

N° I. to VI.

Regulation.

I.—For empowering the Governor in Council, by an Order in Council, to establish and abolish Provincial and Zillah Courts, to extend and contract the jurisdiction of the same, and to alter the stations at which they are held, and the order of succession in the jail deliveries of the several zillahs, in the territories which are or may be subject to this Presidency:—
Passed on the 23d of January 1821 - - p. 25

II.—For extending the jurisdiction of the Registers, Sudder Ameens, and District Moonsiffs, and for the more effectual checking of abuses by district Moonsiffs:—
Passed on the 13th April 1821 - - - p. 26

III.—For determining the rate of duty on opium, exported or imported by land, to or from any of the foreign European settlements adjoining the territories subject to the Presidency of Fort St. George:— Passed on the 15th June 1821 - - - p. 27

IV.—For giving greater efficiency to the system of police established in the provinces subordinate to the Presidency of Fort St. George:—
Passed on the 15th June 1821 - - - ibid.

V.—For authorizing Collectors to rent out the levy of the inland duties, in the districts under their management; for rescinding Regulation XIV. of 1809; and for modifying some of the Rules of Regulation I. of 1812:— Passed on the 29th June 1821 - - - p. 29

VI.—For the better order and discipline of Military Bazars, and for the prevention of drunkenness among soldiers, and for rescinding Regulation VI. of 1809, and Regulation III. of 1810;—
Passed on the 28th August 1821 - - p. 30

III.—By the Governor in Council of Bombay, in the Year 1821;

N° I. to IV. and one Rule, Ordinance and Regulation.

Regulation.

I.—To explain Regulation V. of 1820; and to empower the Court of Sudder Adawlut, constituted by such last mentioned Regulation, to hear and determine appeals from judgments and determinations by the late Court of Appeal, which had been preferred to, or were pending in the former Court of Sudder Adawlut at the time of passing the said enactment:—
Passed on the 2d of May 1821 - - - p. 37

II.—For amending Regulation X. of 1813, for the conduct of the trade with foreign nations at the ports and settlements of the British nation under the Presidency of Bombay;—
Passed on the 23d of May 1821 - - p. 38

III.—For rescinding Section XI. and XV., Regulation IX. 1816, and for making other provisions for the trial of persons charged with capital offences, committed within the fort and district of Anjar and their dependencies:— Passed on the 6th June 1821 - - - ibid.

IV.—Directing holders of land, subject to quit and ground rents in the Island of Bombay, to give notice of the sales or transfers of such properties to the Collectors of that Island, within a certain period:— Passed on the 1st of August 1821 - - p. 39

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*, in the Year 1821.—N° I. to V.

A. D. 1821. REGULATION I.

A REGULATION for the appointment of a Special Commission in the Ceded and Conquered Provinces, for the investigation and decision of certain claims to recover possession of land illegally or wrongfully disposed of by public sale, or lost through private transfers effected by undue influence; and for the correction of the errors, or omissions of the proceedings adopted by the revenue officers in regard to the record and recognition of proprietary rights, and the ascertainment of the tenures, interests and privileges of the agricultural community:—Passed by the Governor General in Council, on the 13th of January 1821; corresponding with the 2d Maug 1227 Bengal era; the 25th Poose 1228 Fussily; the 3d Maug 1228 Willaity; the 10th Poose 1877 Sumbut; and the 8th Rubbi-us-Sanee 1236 Higeree.

Preamble.

IT has appeared that in the first seven or eight years after the acquisition of the ceded provinces by the British Government, the native officers of Government, their relations, connections and dependents, taking advantage of the novelty of the British rule, of the weakness and ignorance of the people, and (in some cases) of the culpable supineness and misconduct of the European functionaries under whose authority they were employed, contrived by fraudulent and iniquitous practices to acquire very extensive estates in several of the provinces in question, more especially in the districts of Allahabad, Cawnpore and Goruckpore, thus wrongfully depriving of their just rights a great number of the ancient land owners, and reducing them and their numerous dependents to ruin and misery. These abuses have been chiefly practised through the perversion, to the purposes of chicanery and fraud, of the rules enacted for the collection of the Government revenue, more especially the provisions relating to the public sale of land for arrears. Under cover of these rules, but contrary to the true intent and meaning of the law, by which (though a considerable discretion was left to the revenue authorities) the measure of a public sale was principally designed for cases of embezzlement, contumacy or fraud, many estates were sold, from which no balance (or a very trifling balance) was due, or on which the arrear accrued without any embezzlement or wilful default on the part of the sudder malgoozar, and others were disposed of without an observance of the prescribed forms. In several instances too a recourse was had to the measure of a public sale without any proper ascertainment of the liability of the proprietors, or the fact of their being under direct engagements to Government. Thus some estates would appear to have been brought to sale for arrears, although the parties responsible to Government for the revenue held only a very limited interest in the mehal sold, or were persons possessing no fixed right of property therein, who had been recorded as proprietors and admitted to engagements on the faith of fraudulent and abusive statements; and some appear to have been sold of which the tehsildars had themselves retained the immediate management, the ostensible malgoozars being creatures of their own, or names purely fictitious being entered on the records. Under such circumstances sales were often effected through the misrepresentations of the tehsildars, made in collusion with the recorded malgoozars, for the purpose of acquiring for one or other of the parties an ostensible title to the property by purchase at public sale. In like manner there is reason to believe that persons erroneously recorded as the sole

proprietors of mehals, in which they possessed either no fixed property or a very limited interest, have in several instances been induced fraudulently to execute deeds of sale in favour of public officers of Government, their relations or dependents, purporting to convey the exclusive property of the lands comprised in the mehal for which they were under engagements, and that on the faith of such deeds the purchasers have been recorded as the sole proprietors thereof. In almost all these cases, the purchasers, whether by public or private sale, taking an illicit advantage of the ignorance of the village occupants, and of their unacquaintance with the regulations and the forms of judicial practice, have effected an extensive usurpation of private rights and the consequent annihilation of institutions by which the village communities have immemorially been regulated. There is reason to believe that the same evils have very generally occurred in all cases of sale for the recovery of arrears, even where the transfers of the estate held by the alleged defaulter was legal and valid; the purchasers having usually claimed to possess the whole of the lands comprised in the mehal sold, without being subject to any of the restrictions and conditions arising out of private rights, which attached to the estate of the defaulter, and having frequently succeeded in establishing such claims to an extent not warranted by law. Thus in almost every mehal sold in liquidation of arrears of revenue, many village zemindars, putteedars and other proprietors, though in no degree parties to the engagement of the defaulting malgoozar, and holding under tenures of such a nature as not to be effected by the sale of the estate possessed by such defaulter, further than that by such sale the obligations of the under tenants towards the defaulter are transferred to the purchaser, have been deprived of their just rights, and either ousted from the lands or reduced to the condition of tenants at will. There is further reason to believe, that independently of cases of abusive alienation, the village maliks and others have in many cases sustained serious injury, through the insufficiency of the inquiries instituted by the revenue officers, in regard to the tenures under which land and the rights connected with land are held, and from the errors and defects of the public records relating to such matters; that in consequence of such errors and defects many persons justly entitled to engage in chief for the revenue of the lands occupied by them, have been excluded from engagements in favour of persons erroneously recorded as proprietors, and that the real nature and extent of the interests actually possessed by different individuals and classes being ill ascertained and defined, great facilities have been afforded to chicanery and fraud, which have led, and are likely still further to lead, to consequences greatly injurious to individuals, and seriously affecting the peace and good order of the country. The persons who have suffered by the aforesaid abuses are for the most part poor and ignorant men, unaccustomed under the former government to any regular system of law, little acquainted with the principles of the British code, or the regular forms of British judicial proceedings, incapable of availing themselves of the protection it was designed to afford, and possessing not the means of securing the aid of individuals better informed; while those opposed to them are for the most part men of wealth and power, who acquired their possessions through the influence of official station, and by an abusive exercise of the authority vested in them as officers of government, who are well acquainted with all the forms of law as administered in our courts, and who possess ample means of securing the retainers of the Adawlut in their service; these indeed are themselves generally supposed to be much interested in maintaining the sales in question, and in supporting all the claims of the purchasers and the sudder malgoozars. Moreover, in all suits brought to annul sales made for the recovery of arrears of revenue, the collector on the part of Government must, under the existing code, be made one of the defendants in the case along with the purchaser, and various other forms must be observed, which are likely to defeat the just claims of the ousted proprietors; the prosecution too in ordinary course of regular suits in the Adawlut necessarily involves considerable delay and expense; requiring, besides a long attendance at the Court, the payment of various fees, the employment of vakeels and other expenses, which would alone operate greatly to prevent the complainants in question from seeking redress in that manner, even if the cases were such as to admit of easy decision by the regular tribunals; but the investigation of the abusive alienations and usurpations in question, will apparently require a thorough research into voluminous and complicated revenue accounts, minute local inquiries, and a free and constant communication with the parties concerned, and with the local officers; and an active inquiry into all the circumstances of the transactions, without reference to the mere points stated by the plaintiffs, such as

the constitution of the established courts would not admit of their pursuing; besides, the existing regulations do not vest the civil courts with so extensive a discretion in the adjustment of doubtful claims, and in the relief of parties suffering hardships, as the cases in question appear to demand; further, the regulations applicable to the provinces in question, having been necessarily founded on incomplete information, are in many respects defective, so that several points requiring a distinct declaration of the views and intentions of the legislature, relative to the privileges designed to be vested by a settlement in the sudder malgoozar, or conveyed to the purchaser by a public sale, as well as in regard to the extent of the authority vested in the revenue officers in deciding on the mode in which the public revenue is to be managed or collected, still remain to be settled, and cannot yet be settled by a general legislative enactment, without risk of error. The proceedings of the established courts must necessarily partake of any defects belonging to the law, which it is their duty to administer, and it would be obviously inconsistent with every sound principle to grant a general discretion to those courts to deviate from the law on individual views of expediency or justice. The established courts consequently are not so constituted as to provide an adequate remedy for the evils above specified, which can be completely corrected only by a tribunal exercising a larger discretion, and acting in more immediate communication with the Government than could with propriety be allowed in the case of the courts established for the general administration of civil justice. Even too if these courts were so constituted as adequately to provide for the trial and decision of the cases in question, yet the duty could not be completed by them for a long period of time, without an entire interruption of their ordinary functions; while the parties injured are equally incapable of supporting the expense of a protracted litigation in the Adawlut, and of defending themselves in that course of proceeding against the arts and intrigues of their powerful adversaries. In consideration of the above circumstances, it has appeared to the Governor General in Council to be essentially necessary to the ends of justice, that a special Commission, with large discretionary powers, and with full authority to regulate its proceedings according to the exigences of the cases brought before it, should be constituted for the purpose of investigating the cases above described, of restoring to their just rights the zemindars and other proprietors who have been wrongfully dispossessed, of defining and fixing the real nature and extent of the interests and title conveyed to the purchasers in cases in which sales may be upheld, of restoring proprietors whose estates may, in consequence of the errors in the administration above noticed, have been transferred to another on account of a trifling balance or for a trifling consideration, making due compensation to the present possessors, of granting redress to persons who may have lost the possession or management of their estates without just cause, under the operation of a public sale or through any act of a revenue officer, or who may have been wrongfully excluded from engagements with Government, and of making an equitable adjustment of doubtful claims, including the relinquishment upon due compensation of rights acquired or held under the strict operation of the law, by means inconsistent with equity and justice, or involving excessive hardship to the sufferers. The following Rules have accordingly been enacted, to be in force from the period of their promulgation.

A special Commission to be constituted for the purposes described in the Preamble to this Regulation.

II. A special Commission, consisting of one or more members, as the Governor General in Council may determine, shall be constituted for the purposes described in the preamble to this Regulation, to be denominated the Mofussil Special Commission, acting under the provisions of Regulation I. 1821.

Specification of the claims cognizable by the Commission.

III. *First.*—The said Commission shall receive, investigate and determine all claims to recover possession of land, lying within such limits as the Governor General in Council may from time to time appoint, which may have been lost through public sales made in liquidation of arrears of revenue, or through private transfers, such sales and transfers having been effected by the undue influence of of a public officer, from the period of the cession or conquest (according as the lands may be situate within the ceded or within the conquered provinces) and the expiration of the Fuslee year 1217, corresponding with the 13th September 1810.

In what cases sales of estates by public auction may be annulled.

Second.—In cases of estates disposed of by a public sale for arrears of revenue, if it shall appear to the Commission, after due inquiry made in the manner hereinafter specified, that no part of the balance for which the sale may have been

advertised, or the interest payable thereon was due at the time of the mehal being sold, *i. e.* the lot being knocked down, or that the amount so due was inconsiderable, or that the amount due was not regularly demanded, or that the arrear did not originate in any fault or neglect of the defaulter, or that the defaulter had not sufficient opportunity of payment given to him before the sale, or that sufficient authority for the sale was not received from Government, or the Board, as the case may be, or that regular notice of the intended sale was not given to the proprietors and to the community, or that the sale was not made according to the regulations at the time and place advertised, and with due publicity and full freedom, or that the purchaser was an officer on the collector's establishment, or in any way employed in the collection of the public revenue within the district, or in the private service of the collector, or the surety of such officer, or a relation dependent, or connection of such officer or surety, or that the estate was purchased in a fictitious name, or that the price paid was greatly inadequate, or generally that the sale was oppressive and produced by undue influence, or that an undue advantage was in any respect taken of the ignorance of the persons whose estate may have been sold, in all and each of these cases it shall and may be lawful for the aforesaid Commission to pass judgment, annulling the sale, and directing the restoration of the original proprietors, or such of them as may have lost possession under the operation of the sale, or of their representatives.

In what cases private transfers of estates may be annulled.

Third.—It shall likewise be competent to the Commission to annul private transfers, whether effected by sale, gift, renunciation, or whatever mode of conveyance, in cases in which they shall see reasonable ground for believing that the purchase or acquisition was effected by violence, extortion or oppression, or by undue influence of any officer of Government, in whatever department in the district within which the land transferred may be situated, or of the surety of such officer, or of any relation, connection or dependent of such officer or surety, or that any fraud was practised by the purchaser, or undue advantage taken by him of the ignorance or fears of the seller.

In what cases of limited or conditional assignments of lands the assigner may be restored to possession.

Fourth.—It will further be competent to the Commission in cases of mortgage, trust, or other limited or conditional assignment, to restore the assigner to his lands, on any of the grounds specified above, as reasons for annulling private transfers, or on proof that the period of the assignment has expired, or that it is otherwise justly redeemable, or that the original consideration for which it was made is greatly inadequate, compared with the advantage derived by the assignee.

In what cases the special Commission may investigate and determine the rights and interests of which individuals may have been deprived in any mehal by the sale, transfer or assignment of the interests of the sudder malgoozar of such mehal.

Fifth.—The Commission aforesaid shall further be competent to receive, investigate and determine all claims for the recovery of lands belonging to a mehal, the interests of the sudder malgoozar of which may have been disposed of by public sale, or by private transfer or assignment, within the period specified in the first clause of this Section, or for the recovery of any interest in such lands, or the rent or produce thereof; and if it shall appear that the claimant was in possession of the property claimed by him at the time of the said sale or transfer, and that the said sale or transfer was invalid, or that though valid, it did not legally divest the claimant of the rights and interests possessed by him at the period aforesaid, and that he has not subsequently been divested of those rights and interests in a legal manner, that is to say, by some judicial award, or some voluntary act of the party involving the transfer, renunciation or relinquishment of his rights and interests, or that it would involve excessive hardship to the party, or be inconsistent with equity and justice, to maintain the award or act by which he may have been divested of the rights and interests possessed by him as above, then and in that case it shall and may be lawful for the Commission to adjudge the claimant to be restored to the lands or other property claimed by him, or to any portion thereof to which he may appear to be entitled, and to define and declare the conditions on which he is to hold such lands or property.

Special Commission further empowered to investigate claims for the recovery of land or rights connected with land, the possession of which may have been lost without just cause in consequence of the acts or proceedings of revenue officers.

Sixth.—It shall likewise be competent to the Commission to receive, investigate and determine all claims for the recovery of lands, or rights connected with land, the possession of which may have been lost, without just cause, through or in immediate consequence of any act done, or record prepared, filed or authenticated by a revenue officer, within the period above specified, and to restore the claimants to the possession of any lands or rights connected with lands which they may have lost in the manner aforesaid. It shall also be competent to the Commission to receive, investigate and determine all claims to be admitted to engage in chief with Government,

Government, which may be preferred by persons aggrieved by any act done, or proceeding held by a revenue officer, within the aforesaid period, relative to the recognition of proprietary rights, and the admission of parties to engagements with Government; and if it shall appear that the decision of the revenue authorities in regard to the recognition of a proprietary title to any mehal or portion of a mehal, or the selection of the party admitted to engage was erroneous or improper, it shall be competent to the Commission to reverse or modify the orders passed by the revenue authorities, and to restore to the management of the mehal any person or persons who may appear best entitled to engage directly with Government.

In cases adjudged by the special Commission, the interests vested in the claimants to be distinctly defined.

Seventh.—On adjudging the restoration of any person to the possession or management of the lands claimed by him, the Commission will invariably declare, as distinctly as possible, the nature and extent of the interests vested in such claimant, with a view to the restoration and future security of subordinate tenures; and in all cases in which the Commission may investigate and determine claims to land, or rights connected with land, under the rules contained in the preceding Sections, it shall and may be lawful for them to cause the names of all persons found in the *bonâ fide* possession of the land in dispute, or of land included in the same mehal with the lands in dispute, or enjoying the rents or produce thereof, under a title of hereditary property, to be entered on the public records, and to define and declare the extent of the interest, and the conditions of the tenures possessed by such proprietor, as far as the same may be duly ascertained, and similarly to declare the nature and extent of the tenures and interests of all persons occupying the land in dispute, or lands belonging to the same mehal.

As well as the interests of individuals in possession of the land in dispute, or of land included in the same mehal.

The operation of the foregoing clauses extended to persons holding under a title derived from the person originally benefiting by the sale or transfer.

Proviso.

Eighth.—The operation of the foregoing clauses shall not be confined to cases in which lands or rights connected with land sold, transferred, alienated or usurped, as above, may be held by the person originally benefiting by the sale, transfer, alienation or usurpation, but shall equally extend to those in which the said lands or rights may be held under a title derived from such person: Provided of course, that in cases in which it may appear that the person so holding under a derivative title was in no degree concerned in or cognizant of the original wrong; the claims of such person to compensation for any loss he may sustain under the operation of the present Regulation, shall be held entitled to a very liberal consideration.

In what cases the Commission are to endeavour to effect a compromise between parties.

IV. *First.*—In all cases whatsoever of the description specified in the preceding Section in which it may appear to it to be clearly equitable to afford the claimant relief, though not entitled to a remedy under the existing law, or in which the points at issue may be doubtful, and the means of arriving at a satisfactory conclusion may not exist, it shall be competent to the Commission to interpose its authority, to induce the parties to compromise their contested claims, or such interposition failing, to make such award relative to the rights and interests of the parties, as equity and good conscience shall appear to them, upon full consideration of all circumstances, to warrant and require.

Compensation to be awarded by the Commission in what cases.

Proviso.

Second.—In cases in which the Commission may deprive any person of rights legally vested in him, under the existing code, or may make award upon doubtful claims, or in which the title of any person, though invalid, may have been acquired by him *bonâ fide* under an express or implied assurance of its validity on the part of the Board, the collector or judge of the district, it shall be competent to the Commission to adjudge compensation in money from the treasury of Government: Provided, however, that in cases in which the compensation assigned to any individual shall exceed the sum of rupees one thousand, the sanction of Government shall be necessary to authorize the disbursement.

The jurisdiction of the Commission extended to cases already decided by the courts of justice, or depending before them.

V. *First.*—The Commission shall be competent to take cognizance of cases of the nature above described, relating to lands within the districts or portions of districts to which its jurisdiction may extend, although the same may have been finally decided in the courts of judicature, and likewise to recal all such cases relating to such lands as may now be pending, or may hereafter be instituted in the said courts, either on the application of the parties or of its own motion; and the said courts shall, on application of the Commission, transmit to it all the proceedings and papers relating to suits so removed.

Local jurisdiction of the Commission to be from time to time fixed by the Governor General in Council, and notice of the same how to be given.

Second.—The jurisdiction of the Commission shall extend to such districts or portions of districts, and for such periods as the Governor General in Council may from time to time direct: notice of the orders of Government vesting the Com-

mission with local jurisdiction, or withdrawing jurisdiction given, to be published by proclamation within the several pergunnahs to which they may relate, and to be communicated through the Sudder Dewanny Adawlut to the provincial and zillah courts concerned.

Courts of justice how to proceed in suits before them which may be cognizable by the Commission.

Third.—Whenever any of the said courts shall be apprized in the manner aforesaid, of the appointment of the Commission to exercise the aforesaid powers within any zillah or other local division, they shall forthwith stay all proceedings in cases of the description above specified, and shall not proceed to the investigation or decision of any such case, until they shall either receive intimation from the Commission, that it is not its intention to take cognizance of it, or until they shall be apprized by Government that the local jurisdiction of the Commission has ceased.

Commission and fees in such suits how to be disposed of.

Fourth.—When any suit may be removed by the Commission from the court in which it may be pending, the price of the stamped paper used for the plaint or petition of appeal, in lieu of the fee payable by the plaintiff or appellant on the institution of the suit or appeal, shall be returned to the party by whom the amount may have been disbursed; and the Commission, on deciding the suits, shall determine the amount of remuneration to be assigned to the vakeels who may have been employed by the parties in conducting the suit; and any sums which may have been received by the treasurer of the court, on account of the vakeel's fees, shall be kept in deposit until the determination of the Commission shall be made known to the court, which shall and may pay the amount awarded by the Commission to the vakeels, out of sums deposited by the parties employing them.

Form and nature of the proceedings before the Commission how to be regulated.

VI. *First.*—The Commission shall determine, subject to the orders of Government, or of such other authority as the Governor General in Council may direct, its own form of proceeding, the nature of the pleadings, the mode in which they are to be conducted, the paper (stamped or unstamped) to be used, the fees to be levied, and generally, the rules of practice to be followed.

Processes of the Commission how to be issued and enforced.

Second.—All processes issued by the Commission shall be enforced in the same manner and under the same penalties for disobedience or resistance as processes of zillah courts; and all powers possessed by the zillah courts, in regard to contempts, the summoning and examination of witnesses, and the administration of oaths, shall be vested in the Commission, from whose order in regard to such matters, no appeal shall lie, except to the Sudder Commission hereinafter mentioned.

Decisions of the Commission how to be executed.

Third.—The Commission shall be competent either to execute its own decisions with the same powers and authority as are vested in the zillah courts, or to require the zillah courts to give effect to such decisions, in like manner as they are required to execute the decrees passed by the provincial courts, or the Sudder Dewanny Adawlut.

Native officers attached to the Commission subject to what rules.

Fourth.—The several rules and provisions contained in the existing Regulations relative to the native officers belonging to the zillah courts, shall be applicable to the native officers attached to the said Commission, except in cases in which the said Commission may, with the sanction of the Sudder Commission hereinafter mentioned, or of the Governor General in Council, otherwise specially direct.

Persons guilty of perjury or subornation of perjury to be punishable under the Regulations.

Fifth.—Any person giving a false deposition, whether upon oath or huluf namah, relative to any suit or matter depending before the Commission, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall be liable to the penalties prescribed for that offence in the Regulations; and any person causing or procuring another person to commit the offence of perjury as above described, shall be held to be guilty of subornation or perjury, and punishable under the provisions of the aforesaid Regulations.

And may be committed by order of the Commission for trial before the courts of circuit.

Sixth.—The Commission shall be competent to commit persons guilty of the said offences for trial, before the court of circuit; and any magistrate receiving a roobukaree from the Commission, containing an order for the commitment of such offenders, shall proceed to give it effect, in like manner as if the commitment were made by himself.

Courts and collectors to give their aid to the Commission.

VII. It shall be the duty of the courts and of the collectors to afford the Commission every aid and information that it may require, to serve all processes issued

by

by the Commission, which that authority may desire to have served by them, in like manner as if they were issued by themselves, to prepare and transmit to the Commission such lists of the cases decided by or pending before them as the Commission may see occasion to call for, and to furnish all papers and documents which the Commission may wish to examine.

If cases of doubt arise between the courts and the Commission, the Sudder Dewanny Adawlut to decide, subject to the final orders of Government.

VIII. If any doubt shall arise in regard to the course of proceeding to be followed by the established courts, relatively to any suit or other matter of the nature of those cognizable by the aforesaid Commission, or on any point connected therewith, it shall and may be lawful for the Sudder Dewanny Adawlut to determine the question, subject to the final orders of the Governor General in Council, to whom the Sudder Dewanny Adawlut shall report the circumstances of any cases of that nature that may arise.

Powers of the Commission over canoongoes and mofussil officers of account.

IX. The Commission shall and may exercise within the sphere of their jurisdiction, the same powers and authority over canoongoes, putwarries and other mofussil officers of account, as the collectors and courts are now authorized to exercise.

Sudder Commission to be constituted.

X. *First.*—A Commission to be denominated the Sudder or Chief Special Commission acting under the provisions of Regulation I. 1821, shall be constituted for the purpose of superintending the proceedings of the aforesaid Mofussil Commission, and for reviewing the decisions passed by it.

Powers and functions of Sudder Commission.

Second.—The Sudder Commission shall consist of two or more such officers as the Governor General in Council may from time to time appoint, and shall, besides the powers exclusively belonging to them, possess and exercise all the powers and authority vested in the Mofussil Commission. The Mofussil Commission shall be guided by the instructions and orders of the Sudder Commission, in like manner as the courts of appeal and zillah courts are guided by the directions of the Sudder Dewanny Adawlut; and the said Sudder Commission shall further have the power of issuing special instructions to the Mofussil Commission, in regard to the investigation of cases pending before the latter, whenever from the representation of the parties or otherwise they may consider such a measure to be expedient or proper.

All decisions of Mofussil Commission to be reported to the Sudder Commission, and the latter empowered to revise, modify or annul such decisions.

Third.—All decisions passed by the Mofussil Commission shall be reported to the Sudder Commission, in such manner and form as the latter may direct, or as the Governor General in Council may prescribe, and it shall be competent to the Sudder Commission, in considering the reports so furnished, to call for the proceedings held by the Mofussil Commission in any case, and to revise, modify, or annul any order or decision which the Mofussil Commission may have passed or made.

Parties dissatisfied with decisions of Mofussil Commission may appeal to the Sudder Commission.

Fourth.—In cases in which either of the parties may be dissatisfied with the decision passed by the Mofussil Commission, and may desire to appeal to the Sudder Commission, the whole of the proceedings held by the former shall be certified to the latter, who will call for such further information and direct such further proceedings to be held, as they may judge necessary or proper. In such cases it shall rest with the Mofussil Commission to determine, subject to any orders which they may receive from the Sudder Commission, whether they shall carry their decision into immediate effect, or await the result of the reference to the superior tribunal.

In cases of a difference of opinion between the members of the Mofussil Commission, a reference to be made to the Sudder Commission.

Fifth.—In cases in which the members of the Mofussil Commission, when consisting of two or more members, may not agree in opinion as to the decision or award to be passed or made in any case, they shall certify to the Sudder Commission the whole of the proceedings held by them, each member at the same time separately recording his judgment and the grounds of it; and similarly when any difference of opinion shall occur in regard to the determination of any matter connected with or belonging to any case pending before or decided by the said Commission, a reference shall be made to the Sudder Commission, and the Mofussil Commission shall be guided by the directions which it may receive from the said Sudder Commission.

Cases of peculiar importance to be certified to the Sudder Commission.

Sixth.—It shall likewise be the duty of the Mofussil Commission to certify to the Sudder Commission any cases of peculiar importance and difficulty in which it may be desirous of obtaining a decision by the superior tribunal; but in all such cases the Mofussil Commission shall in the first instance record their own opinion

on the merits of the case, and distinctly declare the judgment which they may think ought to be passed.

Who will in ſuch caſes proceed in the ſame manner as in caſes regularly brought before them in appeal.

Seventh.—In cases certified to the Sudder Commission, under the provisions contained in the two preceding clauses, the Sudder Commission shall proceed in the same manner as in cases brought regularly in appeal before them; but no decision or award shall be passed or made in such cases by the Mofussil Commission, unless under instructions in that behalf from the Sudder Commission.

Proviſion for caſes in which the Sudder Commission may not agree in opinion and the number of voices on each ſide may be equal.

Eighth.—If in any case the members of the Sudder Commission shall not agree in opinion as to the decision, award or order to be passed or made, and the voices on each side shall be equal, the Commission shall suspend its decision, and report the circumstance to Government, and it shall in such cases be competent to the Governor General in Council to appoint one or more temporary members of the Commission for the determination of the question in dispute. Where a majority of the Commission shall concur in one opinion, the decree, award or order shall be made according to the resolution of such majority, and shall have the same force and effect as if made by all the members conjointly.

In what caſes the deciſion of the Mofussil Commission to be final.

XI. *First.*—The decisions of the Mofussil Commission, unless revised and altered by the Sudder Commission under the rule contained in the third clause of the preceding Section, or appealed to the Sudder Commission within the period of six months from the time of its being passed, or such further period as may be fixed by that authority, subject to the orders of the Governor General in Council, shall be final.

In what caſes an appeal to be admitted from the deciſions of the Sudder Commiſſion to His Majeſty in Council.

Second.—In cases which, if decided by the Sudder Dewanny Adawlut would be appealable to His Majesty the King in Council, a similar appeal will lie from the decisions or awards of the Sudder Commission, and the same rules and regulations as are or may be applicable to all appeals from the aforesaid court, shall be applicable to all appeals from the decisions or awards of the said Commission:

Proviſo.

Provided however that all decisions passed, or awards made by the Sudder Commission shall be immediately executed and enforced, notwithstanding the institution of such an appeal. All decisions and awards passed by the Sudder Commission shall be final, unless regularly appealed to His Majesty in Council.

Queſtions connected with the jurisdiction of the Commissions how to be determined.

Third.—The said Commissions, and each of them, shall, in all cases received or investigated by them respectively, be competent to determine all pleas or questions touching their jurisdiction, in the same manner, and with the same powers, as they are or may be authorized to determine on the merits of cases of which the cognizance is expressly vested in them, any thing in the existing Regulations to the contrary notwithstanding; and no exception shall be taken to any decision or award passed or made by the said Commissions, or either of them, on the ground that the case in or concerning which such decision or award may have been passed or made, was not regularly within the cognizance of the Commission by which it was passed or made, or on any plea or pretext whatsoever, saving and except by the Sudder Commission, in cases appealed or certified to it from the Mofussil Commission, or by His Majesty the King in Council in cases appealable to that authority; nor shall any court of judicature interrupt or stay any proceeding of the said Commissions, or either of them, in any cases received, investigated, or determined by them respectively.

Courts of juſtice not to interrupt or ſtay the proceedings of the Commissions.

The Commissions to be guided generally by the principles of the Regulations.

XII. *First.*—The Sudder and Mofussil Commissions shall, where not otherwise specially directed, be guided generally by the principles and spirit of the existing Regulations, or where those may not be applicable, by equity and good conscience.

Commissions may propoſe new regulations, or may ſubmit rules for amending any part of the existing code in matters connected with the duties entruſted to them.

Second.—Provided also, that it shall and may be lawful for the said Commissions, and each of them, to propose Regulations regarding any matters coming within their cognizance, in the manner prescribed for the courts of judicature; and if any provision in the existing Regulations applicable to any case depending before the Mofussil or Sudder Commission, shall appear to them or either of them to be inequitable or improper, it shall be competent to the Commission before which the case may be depending, to stay its proceedings, for the purpose of submitting a draft of such Rules as may appear necessary for the amendment of the existing code; and to await the result of the reference, and finally to proceed in and determine the case according to the law as ultimately declared or enacted; making of course due compensation to any one whose rights under the existing law may be affected by their decision.

Third

Third.—Before entering on the performance of their functions, the members of the said Commissions shall bind themselves to the faithful discharge of the duties entrusted to them, by a solemn oath in such form, and to be taken before such person or persons, as the Governor General in Council may direct.

Oath to be taken by the members of the Commissions.

A. D. 1821. REGULATION II.

A REGULATION for increasing the powers of Moonsiffs, for extending in special cases the powers of Sudder Ameens in the trial and decision of civil suits, and for authorizing the Zillah and City Registers, and Sudder Ameens to discharge certain additional duties under the direction of the Zillah and City Judges, for providing an increase in the number of Moonsiffs when necessary, and for authorizing Sudder Ameens to hold their Cutcherries at any place where there may be a Register holding his Court at a distance from the fixed station of the Judge and Magistrate; also for amending the Rules at present in force for the institution of suits connected with the local Jurisdiction of such Registers, for rescinding such parts of the existing Regulations as authorize the Registers of Civil Courts to receive a proportion of the institution fees on suits which may be referred to them for decision; for altering in certain cases the Rule at present in force for the execution of decrees of the Provincial Courts in original suits, and of the decrees of the Court of Sudder Dewanny Adawlut on appeals from such decrees, and for abolishing the office of Register of the Provincial Courts of Appeal and Circuit:—Passed by the Governor General in Council on the 19th of January 1821; corresponding with the 8th Maug 1227 Bengal era; the 1st Maug 1228 Fussilly; the 9th Maug 1228 Willaity; the 1st Maug 1877 Sumbut; and the 14th Rubbi-us-sanee 1236 Higeree.

Preamble.

WHEREAS from the contracted powers exercised by the subordinate judicial officers, European and native, under the existing Regulations, a much larger proportion of business devolves on the zillah and city judges than can properly be discharged by them; and whereas the relieving them from part of that business by increasing the powers of the registers, sudder ameens and moonsiffs, will tend to expedite the general administration of justice; and whereas it has become necessary to provide for an increase in the number of moonsiffs, in consequence of the number prescribed by the Regulations, of one to each tannah jurisdiction, having been found in some places insufficient; and whereas great inconvenience is experienced from the want of sudder ameens at those places where registers are permanently fixed at a distance from the sudder station, as well as from the said registers not being vested with powers to admit suits arising within the limits of their local jurisdiction; and whereas it is expedient, with a view to afford still further relief to the judges of the zillah and city courts, held at the same place with the provincial courts, that the provincial courts should execute their own decrees in original suits, and the decrees of the Sudder Dewanny Adawlut in appeals from such original suits within the local limits of the jurisdiction of the aforesaid judges; and whereas it is also expedient that the judges of the zillah and city courts should be empowered to refer summary suits, to any amount, for the recovery of arrears of rent, and for possession of land, crops and other property, in cases of forcible dispossession, to such of their registers as may be vested with any of the special powers specified in Regulation XXIV, 1814; and whereas it is also expedient to substitute a fixed allowance in lieu of the fees hitherto granted to the registers of zillah and city courts on the decision of civil suits, and to abolish the office of register to the provincial courts of appeal and circuit, the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

II. If the civil business within the limits of a tannah cannot conveniently be discharged by one moonsiff, as prescribed by Section VI, Regulation XXIII, 1814, the provincial courts are hereby authorized, on the recommendation of the city or zillah judge, to augment, from time, the number of those officers as circumstances may require.

The provincial courts empowered to increase the number of moonsiffs on the recommendation of a city or zillah judge.

III. *First.*—Persons invested with the powers of moonsiffs are authorized to receive, try and determine all suits preferred to them against any native inhabitant of

Moonsiffs empowered to try and decide on suits not exceeding one hundred and fifty rupees.

of their respective jurisdictions, for money or other personal property, not exceeding in amount or value the sum of one hundred and fifty sicca rupees; provided the cause of action shall have arisen within the period of three years previously to the institution of the suit, and that the claim include the whole amount of the demand arising from such cause of action, and that the claim be really as prescribed in Clause first, Section XIII, Regulation XXIII, 1814, for money due, or for personal property, or for the value of such property, and be not for damages on account of alleged personal injuries, or for personal damages of whatever nature.

Proviſo.

Prohibitions contained in Clauſes 2d and 3d, Section XIII, Regulation XXIII, 1814, declared applicable to ſuch ſuits.

Second.—The prohibitions contained in the second and third Clauses of Section XIII, Regulation XXIII, 1814, are hereby declared applicable to the suits above mentioned.

The payment of ſtamp duties and compenſations to moonſiffs, how to be regulated.

Third.—In suits instituted before the moonsiffs under the foregoing Clause, stamp duties shall be levied in conformity with the provisions contained in Section LXX, Regulation XXIII, 1814, and the compensation to which the moonsiffs shall be entitled for their trouble in the trial of such suits, shall be adjusted in conformity to the rules contained in Section XLIX, of the same Regulation.

Rules in force regarding the decision of ſuits by moonſiffs declared applicable to ſuits inſtituted under this Regulation.

Fourth.—The provisions contained in the existing Regulations, relative to the trial and decision of suits already cognizable by the moonsiffs, are hereby declared to be equally applicable to suits which may be instituted before those officers, under this Regulation.

City and zillah judges to encourage the inſtitution of regular, inſtead of ſummary, ſuits in certain caſes.

IV. By Section XX, Regulation V, 1812, it is provided, that suits instituted under that Regulation for the recovery of arrears of rent may be decided by the zillah and city judges on summary inquiry; it was not however intended by that provision to preclude individuals from instituting a regular suit in the first instance for the more formal investigation of the merits of the case, either before the moonsiffs or in the zillah and city or provincial courts, according to the amount at issue, and the zillah and city judges are hereby enjoined to encourage, as much as possible, that mode of procedure, as well in the suits above adverted to, as in all other claims for arrears of rent, which may be cognizable by summary process under the existing rules, whenever it may in their opinion lead to a more prompt and satisfactory determination of the points at issue.

Sudder Dewanny Adawlut empowered to inveſt ſudder ameens with authority to try and decide on original ſuits not exceeding five hundred rupees.

V. *First.*—It shall be competent to the Sudder Dewanny Adawlut to invest any person exercising the functions of a sudder ameen, with the power to try and determine original civil suits, in which the value or amount of the claim may not exceed five hundred rupees.

City and zillah judges authorized to refer depending civil ſuits to ſuch ameens, provided the computed amount of each claim does not exceed five hundred rupees.

Exceptions.

Second.—In addition to the powers vested in the sudder ameens, under the provisions of Section LXVIII, Regulation XXIII, 1814, and Clause second, Section VII, Regulation XXIV, 1814, the zillah and city judges are authorized to refer to a sudder ameen, duly empowered under the preceding Clause, any depending civil suits, with the exceptions specified in Section LXVIII, Regulation XXIII, 1814, in which the value or amount of the claim, calculated according to the provisions of Section XIV, Regulation I, 1814, Section XXIII, Regulation XXVI, 1814, and Section V, Regulation XIX, 1817, may not exceed five hundred rupees.

Sudder ameens to be guided by the proviſions contained in Regulation XXIII, 1814, in deciding on claims exceeding one hundred and fifty rupees;

but to receive only a moiety of the inſtitution fee, or the amount of the ſtamp duty, in caſes where the claim exceeds one hundred and fifty rupees.

Third.—Suits referred to sudder ameens, in which the value or amount of the claim may exceed one hundred and fifty sicca rupees, shall be received, tried and determined in conformity with the provisions of Regulation XXIII, 1814. In suits, however, which may be referred to sudder ameens under the preceding Clause, in which the value or amount of the claim may be above one hundred and fifty rupees, but may not exeed fixe hundred rupees, the sudder ameens shall be entitled to receive one moiety only of the institution fee, or of the amount of the stamp duty substituted for such institution fee by Regulation I, 1814.

Certain clauſes of Section VIII, Regulation XXIV, 1814, declared applicable to ſuch caſes.

Fourth.—The provisions of Clauses third, fourth, fifth and sixth, Section VIII, Regulation XXIV, 1814, are hereby declared applicable to suits referred for trial to the sudder ameens, in which the value or amount of the claim may be above one hundred and fifty rupees, but may not exceed five hundred rupees.

Section LXVII, Regulation XXIII, 1814, modified, and ſudder ameens authorized to hold their cutcherries at any place where a regiſter may be ſtationed

VI. By Section LXI, Regulation XXIII, 1814, the number of sudder ameens to employed in each zillah or city is declared to be unlimited, and the provincial courts may at all times exercise their discretion in diminishing or augmenting the number of those officers. In modification, however, of the rule contained in Section LXVII, of the said Regulation, by which sudder ameens are required to hold their cutcherries at the station where the zillah or city court is held, it is hereby declared that one or more sudder ameens may be employed, and may hold their cutcherries at any place where a register may be stationed at a distance from the zillah or city court to which he is attached; such sudder ameens shall excercise the same powers and functions, and shall be entitled to the same compensation as sudder ameens at the station of the judge; provided, however, that original suits and appeals referable to such sudder ameens shall be referred in the mode prescribed by Section XI, of this Regulation.

Proviſo.

Petitions for the execution of civil decrees to be preſented as heretofore.

Modifications of rules in force which require that decrees paſſed by ſudder ameens and moonſiffs be executed under the orders of a city or zillah judge.

VII. *First.*—Petitions for the execution of decrees in civil suits, shall be presented as heretofore, in the manner prescribed by the several Clauses of Section XV, Regulation XXVI, 1814; but such parts of the Regulations as require that decrees passed in civil suits by the sudder ameens, or by moonsiffs, shall be executed or enforced under the special orders of the zillah and city judges, are declared subject to the following modifications.

In caſes when applications are referred by the judge to the regiſter for the execution of ſudder ameens and moonſiffs decrees, appeals from the regiſters orders allowed.

Second.—Whenever the miscellaneous business depending in a zillah or city court would occupy a larger portion of time than the judge can conveniently devote to it, he is authorized to refer to the registers or sudder ameens all applications for the execution of decrees passed by the sudder ameens or moonsiffs. In these cases an appeal from the orders of the registers or sudder ameens will lie, in the first instance, to the judges, and specially to the provincial court.

By what officers the regiſters and ſudder ameens orders are to be executed on ſuch occaſions.

Third.—All orders issued by registers or sudder ameens in cases so referred to them, shall be executed by the officers of the zillah and city courts, under the rules prescribed in the general Regulations for the execution of decrees.

Modification of rules in force which require the provincial courts of appeal to direct their decrees being executed by the city and zillah judges.

In what caſes the provincial courts of appeal are to execute their own decrees, as well as the deciſions in appeal of the Sudder Dewanny Adawlut.

VIII. Such parts of Section VI, Regulation V, 1793, extended to Benares by Section VI, Regulation IX, 1795, and to the Ceded and Conquered Provinces by Section VI, Regulation IV, 1803, as prescribe that the provincial courts of appeal shall order the decrees which they may pass to be executed by the judge of the proper zillah and city court are hereby modified, and it is declared that the decrees passed by the judges of the provincial courts in all original regular suits relating to the jurisdiction of the zillah or city court, within the local limits of which the provincial courts are situated, and the decisions of the court of Sudder Dewanny Adawlut in appeal from all such decrees shall be executed by the provincial courts themselves, and all orders issued by the judges of those courts, in such cases, shall be executed by the officers attached to the said provincial courts respectively, under the rules prescribed in the general Regulations for the execution of decrees.

Judges of city and zillah courts may refer ſummary ſuits of any amount to their regiſters if they are veſted with ſpecial powers.

IX. In addition to such provisions of the existing Regulations as authorize the judges of the zillah and city courts to refer to their registers summary suits for the recovery of arrears of rent, or for possession of land, crops, or other property, in cases of forcible dispossession, provided that the cause of action would be referable to their registers in a regular suit; it is hereby declared that the zillah and city judges may refer to such of their registers as may be vested with any of the special powers under Regulation XXIV, 1814, summary suits of any amount depending before them, concerning arrears of rent, or regarding forcible dispossession from lands or crops, or disturbance in the possession thereof: provided always, that the zillah and city judges may at any time recal such suits, or any other miscellaneous cases referred to a register, on the representations of the parties or otherwise, in such manner as they may deem just and proper.

Proviſo.

Modification of rules in force relative to the place at which the zillah and city courts are to be held.

X. *First.*—Whereas the speedy and satisfactory adjustment of summary suits, of the description mentioned in the preceding Sections, will be promoted by authorizing the trial and decision of such suits at any place within the limits of the jurisdiction in which the cause of action may have arisen, such parts of the Regulations in force as prescribe that the zillah and city courts shall be held in the city or place at which they are respectively established, and that no rule, order, or proceeding is to be made but on court days, and in open court, are hereby declared subject to the following modifications.

Judges and registers of city and zillah courts empowered to hold their proceedings at any place within the jurisdiction of the court to which they may be attached.

Second.—The judges and registers of the zillah and city courts are empowered to hold their proceedings in summary suits regarding rent and dispossession from lands or crops, or disturbance in the possession thereof, at any place within the jurisdiction of the courts to which they may be respectively attached; provided that the cause of action shall have arisen within the limits of such jurisdiction, and that the zillah or city judge or register shall be of opinion that the investigation of the case can be more conveniently conducted at such place than at the sudder station.

Proviso.

Pleaders of the courts exempted from attending the trial of summary suits when conducted at a distance from the fixed station of the judge or register.

Third.—The established pleaders of the zillah and city courts shall not be required to attend the trial of summary suits at a distance from the fixed station of the judge or register. Such suits shall be tried in the presence of the parties, or any persons whom they may duly appoint to be present at the trial on their behalf.

Those rules declared equally applicable to summary suits referred to the collectors.

Fourth.—The principle of the foregoing rules is hereby declared to be equally applicable to summary suits referred for investigation to the collectors.

Modification of rules in force which direct that suits referrible to registers shall in the first instance be instituted in the courts of the judges.

XI. *First.*—Such parts of the Regulations in force as require that suits referrible to a register shall be instituted in the first instance in the courts of the zillah and city judges, are hereby declared subject to the following modifications.

Registers at other than the fixed stations of the courts may in the first instance receive original suits or appeals.

Second.—It shall be competent to a register stationed at any other place than the fixed station of the zillah or city court, to receive in the first instance any original suits or appeals which may be eventually referable to him under the Regulations in force, in which the cause of action may have arisen, or the parties may reside, within the local jurisdiction entrusted to him as joint magistrate of the district of which he may be the register, or officiating in that capacity.

How registers are to proceed on the receipt of such suits or appeals.

Third.—When an original suit or appeal shall be preferred to a register, under the provisions of the preceding Clause, he shall, after receiving the same, enter it in the register usually kept for that purpose, and shall forward by dawk or otherwise, a copy of the petition of complaint or appeal, together with copies of any other papers connected with it that may be necessary, to the zillah or city court, for the orders of the judge, who, after causing the same to be registered, will either authorize the suit to be tried and determined by the register or the sudder ameen stationed with the register, according to the nature or amount of the suit, or will require the case to be transmitted for trial, either by himself or any other competent authority; in the latter case, the plaintiff or appellant shall be required to attend in person, or by vakeel, to prosecute the suit in the court in which the case may have been ordered to be tried at the sudder station.

Registers when at others than the fixed station of the court, authorized to receive applications for the execution of sudder ameens and moonsiffs decrees.

XII. All applications for the execution of decrees passed by the sudder ameens and moonsiffs within the local jurisdiction the registers, fixed at any other than the sudder station of the zillah or city court, are hereby authorized to be received by such registers, who shall be competent to execute them themselves, or to refer them for execution to the sudder ameens within their respective jurisdictions, in the mode prescribed by Clause third, Section VII, of this Regulation. Appeals from the orders of the sudder ameens shall in like manner be made in the first instance to the said registers.

And empowered to execute them or to refer them for such purpose to the sudder ameens.

Appeals from sudder ameens orders to be made to the registers.

Certain clauses of Regulations which authorize registers to receive fees on the amount of stamp duty on the decision of suits, rescinded.

XIII. The several Clauses of Section VIII, and Section IX, Regulation XXIV, 1814, and generally any other provisions of the Regulations, which authorize the registers of the zillah and city courts to receive a proportion of the fees, or the amount of stamp duty substituted for such fees, by Regulation I, 1814, on the decision of suits referred to them for trial, are hereby rescinded.

Registers declared not entitled to fees subsequent to the 30th April, 1821.

The registers of the zillah and city courts shall not be entitled to any fees whatever on account of any civil suits decided by them, subsequently to the 30th of April next ensuing, but are to receive from the 1st of May next, in lieu of such fees, a fixed allowance, the amount of which will be determined by Government.

The office of register of the provincial courts abolished, and their duties to be performed by the judges and the officers attached to their respective establishments.

XIV. The office of register of the provincial courts of appeal and circuit shall be abolished from the 1st of May next ensuing, and the duties hitherto entrusted to those officers shall be performed by the judges of the provincial courts, and by the officers on their establishment, in such mode and under such rules as may be enjoined by the court of Sudder Dewanny Adawlut and Nizamut Adawlut.

A. D. 1821. REGULATION III.

A REGULATION for extending in special cases the powers of Assistants to the Magistrates; for empowering the Hindoo and Mahomedan Law Officers of the Zillah and City Courts and Sudder Ameens to try and determine petty thefts, and other criminal cases of a trivial nature, when referred to them by a Magistrate; for limiting the period of appeal in Foujdary cases; for rescinding parts of Section XII, and Section XVII, Regulation XXII, 1816; for modifying some of the Rules in force relative to the rate and collection of the assessment levied for the maintenance of Chowkeedars of Police; and for vesting the Magistrates with certain powers in regard to persons travelling through, or assembling within their jurisdictions, under suspicious circumstances:—Passed by the Governor General in Council on the 19th of January 1821; corresponding with the 8th Maug 1227 Bengal era; the 1st Maug 1228 Fussily; the 9th Maug 1228 Willaity; the 1st Maug 1877 Sumbut; and the 14th Rubbi-us-sanee 1236 Higeree.

Preamble.

WHEREAS the powers now vested in assistants to the magistrates by Section XX, Regulation IX, 1807, do not enable them to afford that aid to the magistrates which the state of public business in many districts requires, it is advisable to authorize in certain cases an increase of those powers: it is also deemed expedient, with a view to the speedy trial and punishment or acquittal of persons charged with petty offences, and to the due administration of criminal justice in cases of a trivial nature, to empower the Hindoo and Mahomedan law officers of the zillah and city courts and the sudder ameens, to try and determine such cases when referred to them by a magistrate; and to guard against the inconvenience which has been experienced from the unlimited privilege at present exercised of appealing in foujdary cases; and whereas it has been found expedient to rescind Clause second, and such parts of Clause first, Section XII, Regulation XXII, 1816, as require that persons considering themselves aggrieved by the assessment authorized to be levied for the maintenance of the chowkeedars of police, shall present a petition to the magistrate or joint magistrate on stamped paper; and to authorize the judges holding the sessions of jail delivery, to report upon any abuses or irregularities which may appear to them to exist in the management and collection of the assessment levied for the support of chowkeedars of police; and whereas there is reason to believe that persons, being the subjects of foreign states, often enter the territories of the British Government in large bodies, under the assumed character of travellers of rank and distinction, for the sole purpose of robbery and plunder; and as it is necessary to vest the zillah and city magistrates and joint magistrates with sufficient powers to prevent such practices, the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

Nizamut Adawlut to report on qualifications of assistants to magistrates, in cases of accumulation of business in zillah and city courts.

II. *First.*—Whenever the accumulation of judicial business in a zillah or city may render it impracticable for a magistrate to discharge it with sufficient dispatch, and the court of Nizamut Adawlut may be of opinion, either in consequence of a report from the magistrate of such zillah or city, or from any other information before them, that the assistant of such magistrate is duly qualified by his experience, industry and abilities, to be entrusted with the special powers described in the third Clause of this Section, the Nizamut Adawlut shall report accordingly to Government.

Governor General in Council empowered to invest such assistants with the special powers described in clause third of this Regulation.

Second.—On the receipt of such report from the Nizamut Adawlut, or upon any other information before Government, it shall be competent to the Governor General in Council to invest such assistants with the special powers described in the following Clause; and information shall be communicated in every instance in which such powers may be vested in an assistant, to the Nizamut Adawlut, to the court of circuit, and to the zillah or city magistrate.

Information in such instances to be communicated to the magistrate, court of circuit and Nizamut Adawlut.

Section XX, Regulation IX, 1807, modified, and additional powers vested in assistants to magistrates.

Third.—Section XX, Regulation IX, 1807, is hereby modified; and in addition to the powers vested in the assistants to the zillah and city magistrates, by the Regulations heretofore in force, they may be specially empowered in all cases referred to them, in which an individual may be convicted of any criminal offence punishable

punishable under the Mahomedan law, and the Regulations for which the penalties authorized by the Section above quoted may appear insufficient, and for which a more severe punishment than six months imprisonment with thirty ratans, or a fine of two hundred rupees, may not have been specially prescribed, to pass sentence of imprisonment not exceeding six months, with corporal punishment not exceeding thirty ratans, in cases in which corporal punishment by stripes is authorized by the Regulations, or in other cases, with a fine not exceeding two hundred rupees, commutable, if not paid, to a further period of imprisonment not exceeding six months, so that the entire period of imprisonment, under the sentence of an assistant shall in no instance exceed one year.

Assistants to magistrates in cases requiring a more severe punishment than that authorized by the preceding section, not to pass sentence, but submit their proceedings to the magistrates;

Fourth.—In any case referred to the assistant of a zillah or city magistrate, under the Regulations in force, in which the offence proved against the prisoner may appear to require a more severe punishment than he is by the foregoing Clause authorized to adjudge, he shall not pass any sentence, but shall submit his proceedings to the magistrate, who, after holding any further proceedings he may deem necessary, will, if satisfied of the guilt of the prisoner, either pass sentence on him, under Regulation XII, 1818, and the general Regulations in force, or will commit or hold him to bail for trial before the court of circuit, according to the nature and circumstances of the case.

who will decide according to the general Regulations.

Rules by which assistants are to be guided in deciding on cases thus referred to them.

Fifth.—The rules contained in Sections XXI, and XXII, of Regulation IX, 1807, are to be considered applicable to all cases referred to the assistants, of the description specified in this Section.

Magistrates may recal cases referred to their assistants.

Sixth.—The magistrates are moreover at all times authorized to recal from their assistants any depending cases which may have been referred to them under the present or former Regulations, and which, for the more speedy administration of justice, or for any other reason, the magistrates may deem it proper to determine themselves in the first instance.

In cases of death, removal or resignation of assistants vested with special powers, their successors not to exercise those powers unless authorized by Government.

Seventh.—Upon the death, removal or resignation of any assistant, who may have been invested with special powers under the provisions of this Regulation, the person succeeding to the office of assistant shall in no case be entitled to exercise such special powers, without the previous sanction of the Governor General in Council; and it shall at all times be competent to the Governor General in Council to revoke the special powers which may been entrusted to the assistant of a zillah or city magistrate under this Section, for any cause which, in the opinion of the Governor General in Council, may render the adoption of that measure expedient.

The Governor General in Council declared competent to revoke the special powers entrusted to an assistant.

Magistrates may refer petty complaints to their native law officers;

III. *First.*—The zillah and city magistrates are authorized to refer for trial to the Hindoo and Mahomedan law officers of their respective courts, all complaints or charges brought before them for petty offences, such as abusive language, calumny, inconsiderable assaults or affrays, and all charges of petty thefts, when unattended with any aggravating circumstances.

and also cases heretofore referable to assistants in the mode prescribed by the existing Regulations.

Second.—The magistrates of the zillah and city courts shall be competent to refer to their law officers any criminal cases which they are already authorized by former Regulations to refer to their assistants; and in the mode of making the reference, and in the subsequent stages of the proceeding, the magistrates and the law officers shall be guided by the provisions hitherto in force relative to such cases.

Such law officers empowered to exercise the powers vested in assistants to magistrates under the Regulations in force.

Exposition of the rules referred to in such cases.

Third.—The law officers of the zillah and city courts, in the decision of criminal cases so referred to them, are hereby authorized to exercise the same powers as those vested in the assistants to the magistrates by Section XX, Regulation IX, 1807, and by the other Regulations therein referred to; that is, in cases referred to them for trial they shall not sentence a person convicted of abusive language or calumny, or inconsiderable assault or affray, to a more severe sentence than fifteen days imprisonment and a fine of fifty rupees, with an eventual commutation, if the fine be not paid, to further confinement for fifteen days more, making the entire term of imprisonment, if the fine be not paid, one month of thirty days; nor shall they sentence a person convicted of petty theft to a more severe corporal punishment than thirty ratans and imprisonment for a period of one month; persons sentenced to imprisonment by the law officers shall not, during their imprisonment, be confined in irons or in fetters, except

Persons imprisoned under sentences of the law officers not to be confined in irons or

in

in cases in which the misconduct of such individual, during his imprisonment, shall appear to the magistrate to render such measure necessary for his safe custody.

fetters, unleſs the magiſtrate conſiders ſuch a meaſure neceſſary.

Fourth.—The law officers of the zillah and city courts shall forward to the magistrates, on the fifth day of each month, a statement showing the manner in which the cases referred to them may have been disposed of, in order that the same, after having been carefully inspected by the magistrates, with the view of noticing and eventually correcting any irregularities, may be incorporated in the periodical reports required to be submitted to the superior courts.

Law officers to furniſh the magiſtrates with monthly ſtatements of deciſions paſſed by them.

IV. The foregoing provisions are hereby declared to be equally applicable to any of the sudder ameens who may be empowered, under Section V, Regulation II, 1821, to try civil suits exceeding in value or amount the sum of one hundred and fifty rupees, and likewise to all sudder ameens, whether vested with such powers or not, who may be appointed to the stations of the joint magistrates, and the latter officers are hereby authorized to employ such sudder ameens in the manner above specified.

Foregoing rules applicable to ſudder ameens, under Section V, Regulation II, to try civil ſuits exceeding one hundred and fifty rupees, and to thoſe appointed to the ſtations of joint magiſtrates.

V. *First.*—No appeal shall be admitted from the order of an assistant or a sudder ameen in cases referred to them of a criminal nature by the magistrate, or joint magistrate, unless preferred within the period of one month from the date of such order; nor shall any appeal from the order of a magistrate or joint magistrate be admitted, unless preferred to the court of circuit at the sudder station within the period of one month from the date of the order, or to a judge of circuit holding the sessions next ensuing after such order shall have been passed, unless it shall be proved that the petitioner was prevented, by circumstances totally beyond his control, from presenting his petition within the prescribed period.

Limitation of time for appeals from deciſions of aſſiſtants and ſudder ameens, and from the orders of the magiſtrates to the courts of circuit.

In what caſes petitions of appeal may be received after the limited time.

Second.—In calculating the period of one month above specified, the courts shall be guided by the principles of the rules contained in Clause tenth, Section VIII, Regulation XXVI, 1814.

How magiſtrates are to be guided in calculating the period above adverted to.

VI. *First.*—The whole of Clause second, and such parts of Clause first, Section XII, Regulation XXII, 1816, as require that petitions of appeal from the assessment fixed by the punchayet for the maintenance of chowkeedars of police, shall be presented on stamped paper, are hereby rescinded.

Rules requiring that petitions of appeal againſt chowkeedary aſſeſſments, fixed by punchayet, be written on ſtamped paper, reſcinded.

Second.—The magistrates and joint magistrates are empowered and required, notwithstanding any thing to the contrary contained in Section XIX, Regulation XXVIII, 1814, to receive on unstamped paper all petitions which may be preferred to them by persons considering themselves aggrieved by the assessment which may have been fixed by the punchayet appointed under the provisions of Section IX, Regulation XXII, 1816.

Magiſtrates and joint magiſtrates empowered to receive ſuch petitions on unſtamped paper;

Third.—When petitions of the above nature shall be presented to a magistrate, or joint magistrate, he shall proceed upon them as directed in Clause first, Section XII, Regulation XXII, 1816. It shall however be competent to the judges of circuit holding the jail delivery, on the receipt of information leading them to be of opinion that the rate of assessment is too high, or otherwise essentially wrong or defective in any respect, to report their sentiments on the subject to Government, in order that after making such further inquiries as may be necessary, suitable measures may be adopted for the revision or correction of the assessment.

And to proceed on them as directed in Clauſe 1ſt, Section XII, Regulation XXII, 1816.

Judges of circuit, holding jail delivery, may report to Government any caſes of improper aſſeſſment.

VII. *First.*—Whereas persons being the subjects of foreign states, and assuming the fictitious characters of rajahs or of natives of distinction, or of pilgrims, have frequently entered into the British territories, or have assembled together in armed bodies, for the purpose of committing robberies or other crimes within those territories, the following Rules have been enacted, with a view to prevent the recurrence of those practices.

Rules for preventing ſubjects of foreign ſtates entering the Britiſh territories under fictitious characters for unlawful purpoſes.

Second.—In addition to the powers vested in darogahs of police by the several Clauses of Section XX, Regulation XX, 1817, with regard to the apprehension of all vagrants and suspicious persons, they are hereby empowered to detain all persons travelling in bodies through their jurisdictions, or assembling therein, under circumstances leading to the suspicion that they have assumed a fictitious character, and that they are in reality persons of the description mentioned in the preceding Clause

Darogahs empowered to detain ſuch perſons, and unleſs they receive a ſatisfactory account, may either report or ſend them to the magiſtrates.

Clause, and unless on examination they shall be able to give a satisfactory account of themselves, the darogahs shall, without delay, either report to the magistrates the circumstances under which they may have been detained, or in cases of an emergent nature, shall forward such individuals to the magistrates.

Darogahs how to proceed in cases when fuſpicion only attaches to ſuch perſons, although no ſufficient cauſe for their detention exiſt.

Third.—If a darogah of police, acting under the discretion vested in him by the preceding clause, shall not see sufficient cause, after the examination of the person suspected, to send them to the magistrate or to detain them until the orders of the magistrate shall be received, but shall nevertheless entertain suspicions of their real character and intentions, he shall depute one or more police officers to watch their proceedings in passing through his jurisdiction, and shall notify the same to the adjoining police division, in order that the same precautions may be adopted and followed up.

Rules for the guidance of magiſtrates in the diſpoſal of perſons ſent in by the darogahs.

Fourth.—If a darogah of police shall forward to the magistrate any persons travelling through, or assembling in his division, under suspicious circumstances, the magistrate having duly enquired into the grounds of their arrest, shall either release them, or adopt the precautionary measures directed in the preceding Clause, or if they appear to be travelling without any reasonable object, and to be inhabitants of a remote district, or subjects of a foreign state, he shall compel them to return, under a suitable guard, from station to station to the district or territory from which they may appear to have proceeded.

Landholders and others declared reſponſible for an early communication of the reſort to their villages of ſuſpicious perſons.

Fifth.—The principal persons residing in villages, whether landholders or farmers, or other local managers or munduls, putwarries or other heads of villages, and also chowkeedars, and village guards of every description, are hereby declared responsible for the early and punctual communication to the officers of the nearest police station, or the resort to, or passage through their villages, of any considerable body of strangers, or of the assemblage of such bodies within the limits of their villages, together with any particulars which they may be able to collect, as to the alleged object of their assemblage or journey, or any suspicions which may arise as to their real character and intentions. Any landholder or farmer, or other local manager or mundul, putwarry, or other heads of villages, who shall wilfully neglect or delay to give the information above required, shall, on proof of such neglect, after an inquiry similar to that directed by Section XIII, Regulation IX, 1808, be sentenced to pay a fine, or to suffer imprisonment not exceeding the limitation therein specified; and any chowkeedar, or other village guard, who may be guilty of such neglect, shall be liable to the punishment which the magistrates are authorized to inflict under the provisions of Section VI, Regulation III, 1812.

Penalty to which they are declared liable ſhould they omit giving the required information.

Puniſhment to which chowkeedars are declared liable in caſe of neglect of duty.

A. D. 1821. REGULATION IV.

A REGULATION for authorizing a Collector of Land Revenue or other officer employed in the management or superintendence of any branch of the territorial revenues, to exercise, in certain cases, the powers of Magistrate, or Joint Magistrate, and for authorizing a Magistrate or Joint Magistrate, or Assistant to a Magistrate, to exercise in certain cases the powers of a Collector of Land Revenue, or of any other officer employed in the management or superintendence of any branch of the territorial revenues:—Also, for explaining the duties of an Assistant Collector of Revenue, and for defining the duties and powers vested in Assistant Collectors or other officers appointed to the charge of the revenues of pergunnahs or other local divisions, or employed in the performance of any portion of the functions ordinarily belonging to the Collectors of Land Revenue:—Passed by the Governor General in Council on the 19th of January 1821; corresponding with the 8th Maug 1227 Bengal era; the 1st Maug 1228 Fussilly; the 9th Maug 1228 Willaity; the 1st Maug 1877 Sumbut; and the 14th Rubbi-us-sanee 1236 Higeree.

Preamble.

WHEREAS it may be expedient to authorize a collector of land revenue, or other officer employed in the management or superintendence of any branch of the territorial revenue, to exercise in certain cases the whole or any portion of the powers at present exercised respectively by a magistrate, or joint magistrate, or to vest the powers of a collector of revenue, or any portion thereof, in the hands of a magistrate, or joint magistrate, or of an assistant to a magistrate, and whereas it is expedient to explain the duties which may be performed by the assistants to the

collectors

collectors of revenue, and to define the duties and powers vested in assistant collectors or other officers, when appointed to the charge of the revenues of pergunnahs or other local divisions, or when employed in the performance of any portion of the functions ordinarily belonging to collectors of the land revenue; the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

Governor General in Council declared competent to authorize a collector or other revenue officer to exercise the powers of a magistrate or joint magistrate, and to invest magistrates with the powers of a collector.

II.—It shall be competent to the Governor General in Council to authorize a collector of revenue or other officer employed in the management or superintendence of any branch of the territorial revenues, to exercise the whole or any portion of the powers and duties vested by the Regulations in the magistrates or joint magistrates, or to employ a magistrate, joint magistrate, or an assistant to a magistrate, in the collection of the public revenue, and to invest the person so employed with the whole or any portion of the powers of collector of revenue, or of other officer employed in the management or superintendence of any branch of the territorial revenues.

Magistrates, &c. employed in the collection of the public revenue to take a prescribed oath.

III. *First.*—If a person holding the office of magistrate, or joint magistrate, or assistant to a magistrate, shall be employed in the collection of the public revenue, he shall, previously to entering upon the execution of the duties of a collector, take and subscribe the oath prescribed by Section XXV, and Section XXVI, Regulation V, 1804.

Collectors and other revenue officers appointed to the discharge of magisterial duties of a magistrate to take the prescribed oath.

Second.—In like manner, if a person holding the office of collector of revenue, or of any other officer employed in the management or superintendence of any branch of the territorial revenues, shall be appointed to perform the duties of magistrate, or joint magistrate, he shall, previously to entering upon the execution of such office, take and subscribe the oath prescribed by Section II, Regulation IX, 1793, and Clause first, Section III, Regulation XIII, 1793, with such verbal alterations only as may be consonant to the nature of the appointment.

Magistrates, &c. employed in the collection of the public revenue to be guided by the orders of the Boards of Revenue and Commissioners, and by the Rules and Regulations of Government.

IV. *First.*—If a person holding the office of magistrate, joint magistrate, or of assistant to a magistrate, shall be employed in the collection of the public revenue, he shall be guided in the execution of his duty as collector by the orders of the Board of Revenue, or the Board of Commissioners, and by the Rules and Regulations that have been, or may be enacted for the collection of the public revenue.

Collectors, or other revenue officers, employed as magistrates, to be guided by the Regulations and by the orders of the superior courts.

Second.—If a person holding the office of collector of revenue, or otherwise employed in the management or superintendence of any branch of the territorial revenue, shall be appointed to perform the duties of magistrate, or joint magistrate, he shall be guided in the execution of those duties by the Regulations which have been, or may be enacted, for the guidance of those officers respectively, and by the orders of the superior courts of criminal judicature, in all matters in which a controlling or superintending power is vested in those courts.

Magistrates, &c. employed in the collection of revenue, and revenue officers exercising the powers of a magistrate or joint magistrate, to preserve the records of their respective offices separate and distinct.

V. Every magistrate, or joint magistrate, or assistant to a magistrate, who may be employed in the collection of the revenue, and every collector or other officer employed in the management or collection of the territorial revenues, who may be authorized to exercise the powers of a magistrate, or joint magistrate, under the provisions of this Regulation, shall be careful to preserve the records of their judicial and revenue offices separate and distinct from each other.

Such of the rules in force as declare collectors amenable to zillah and city courts for acts done in opposition to the Regulations applicable to magistrates employed in the collection of revenue.

VI. *First.*—Such parts of the existing Regulations as declare the collectors of revenue to be amenable to the zillah and city courts for any acts done by them in their official capacity, in opposition to the Regulations, shall be held applicable to any magistrate, or joint magistrate, or assistant to a magistrate, who may be employed in the collection of the public revenue.

Proviso, in the event of such officer being himself the judge of the zillah or city in which the act may have been committed.

Second.—Provided always, that if such individual shall, at the same time, hold the office of judge of the zillah or city in which the act in question may have been committed, such act shall not be cognizable by the zillah or city court, but by the provincial court of the division in which such zillah or city may be included.

In the institution of a suit in a zillah or city court, a magistrate employed in the collection of revenue,

VII. In the institution of suits for the recovery of the public revenue, or in any case in which the institution of a suit by the collector in the zillah or city courts is authorized or directed by the Regulations, a magistrate, or joint magistrate, or assistant

not being himself in charge of the office of judge, shall proceed according to the Regulations enacted for the guidance of collectors.

assistant to a magistrate, employed in the collection of the revenue, not being himself in charge of the office of judge of a zillah or city court, shall proceed according to the Regulations already in force for the guidance of the collectors under similar circumstances.

Governor General in Council competent to cause such alterations in the limits of the several collectorships, and in the number of officers employed as collectors, as may from time to time appear expedient.

VIII. *First.*—It is hereby declared and enacted, that it is and shall be lawful for the Governor General in Council to cause such alterations to be made in the limits of the several collectorships, and in the number of the officers employed as collectors of land revenue, as may from time to time appear expedient, as well as to vest such officers, being covenanted servants of the Honourable Company, with authority to exercise the whole or any part of the functions ordinarily exercised by collectors of land revenue in such mehal or mehals belonging to such district or districts as may from time to time be deemed expedient; and any officers so employed shall perform their prescribed duties in the same manner, and subject to the same condition and liabilities, as attach to collectors of land revenue in regard to such duties.

Boards of Revenue and Commissioners empowered to depute officers subordinate to them to exercise the powers of collectors within such local limits as they may judge expedient.

Second.—It shall also be competent to the Board of Revenue, or other authority exercising the powers of that Board, to depute any of the officers subordinate to their authority to exercise and perform all or any of the powers and duties ordinarily vested in collectors of land revenue within such local limits as they may judge expedient; provided, however, that in all such cases the Board, or other authority aforesaid, shall, on the day in which they may depute any officer as aforesaid, or as soon after as practicable, report their having done so for the information and orders of the Governor General in Council.

Proviso, requiring a report of their having done so.

Collectors, authorized with the sanction of the Boards, to delegate to their assistants any part of their duties to which they may be unable to give due attention.

Third.—The collectors of revenue are hereby authorized, with the sanction of the Board of Revenue, or the Boards of Commissioners, to delegate to their assistants any part of their prescribed duties, which from the extent of their general business, or other cause, they may be unable to give due attention to themselves; provided always, that in the event of a collector deputing his assistant to make local inquiries, or for any other purpose connected with the collection of the public revenue, he shall immediately report the same for the information and orders of the Board of Revenue, or Board of Commissioners to which he may be subordinate.

Proviso, in the event of a collector deputing his assistant.

An assistant to a collector to take the oath prescribed in Sections XXV, and XXVI, Regulation V, 1804, previously to entering on his duties.

Fourth.—Previously to entering upon the duties of his office an assistant to a collector shall take and subscribe an oath corresponding with that prescribed by Section XXV, and Section XXVI, Regulation V, 1804, for servants of the Company employed in the management and collection of the public revenue.

Assistants, or other officers exercising the powers of collectors, to be guided by the Regulations, and to be responsible for the performance of their duties, and amenable to the civil courts.

Fifth.—Assistants or other officers exercising the powers of collectors of revenue, or any portion thereof, under the provisions of this Regulation, shall be guided in every respect by the Regulations which have been, or may be enacted for the management and collection of the revenue, as far as the same may be applicable to the duties committed to them respectively, and shall be considered responsible for the due performance of the duties entrusted to them, and shall be amenable to the civil courts of judicature for any acts done by them in their official capacity, in opposition to the Regulations, in the same manner, and under the same rules, as the collectors of revenue.

A. D. 1821. REGULATION V.

A REGULATION for settling the rates at which Benares and Furruckabad Rupees shall be received in payment of the Revenue of Malgoozars, whose engagements are expressed in Gohurshahee or Tirsoolee Rupees:—Passed by the Governor General in Council on the 23d November 1821; corresponding with the 9th Aughun 1228 Bengal era; the 14th Aughun 1229 Fussily; the 10th Aughun 1929 Willaity; the 14th Aughun 1878 Sumbut; and the 27th Suffer 1237 Higeree.

Preamble

IT is enacted by Regulation XI, 1819, that the Furruckabad rupees shall be received within the province of Benares at par with the Benares rupees; but no provision

provision has been made for regulating the exchange in account between the said rupees and the Gohurshahee and Tirsoolee rupees, in which it appears that the engagements of many malgoozars are expressed; moreover the batta to be taken from such malgoozars has hitherto been arbitrarily fixed, and considerable abuses have consequently prevailed. The intrinsic value of the coins having been now ascertained by a careful assay, whence it has appeared that the rupee denominated Chorah Gohurshahee exceeds, and the other descriptions of Gohurshahee rupees equal, the Furruckabad rupee in value, and that the latter coin is 3. 11. 7. per cent. superior in value to the Tirsoolee rupee, the revenue officers have been directed to adjust their demands on the said malgoozars according to the results of the assay, subject to the general principle of receiving the Furruckabad rupee at par with the Benares rupee, and without any demand of batta on account of its inferiority in value below the local currency. In pursuance of the orders already issued in this matter, and for the purpose of making generally known the results of the assays, and of removing all doubts as to the rate at which rupees denominated Gohurshahee and Tirsoolee are to be valued, the following Rules have been enacted, to be in force from the date of their promulgation.

In what cases the Benares, Furruckabad, and Gohurshahee rupees to be considered of equal value, and to be received and paid without any allowance or deduction on account of batta.

II. The Benares and Furruckabad rupees, which are now received as of equal value in all payments of the Government revenue, shall be paid and received in lieu of the Gohurshahee rupees, and at par with the same, in liquidation of all demands on any malgoozar or other person who may have entered into engagements with Government, expressed in any description of Gohurshahee rupee. The Gohurshahee rupee shall be held and considered as of equal value with the Furruckabad and Benares rupees in the adjustment of all claims or demands on account of revenue arising out of such engagements as aforesaid, which may be suspended or unsettled; and no malgoozar or other person aforesaid shall be entitled to any deduction or allowance, by way of batta or the like, on account of payments made or tendered by him in Benares or Furruckabad rupees, in fulfilment of engagements expressed in Gohurshahee rupees: provided always, that in cases in which such deduction or allowance may have been made, and receipts granted or credit given accordingly, nothing in this Regulation shall be understood to authorize the officers of Government or individuals to make any demand on account of such deduction or allowance, nor shall any such demand be held valid.

Proviso.

Persons whose engagements are made in Tirsoolee rupees to be allowed a certain batta, or percentage, on payments in Furruckabad or Benares rupees.

III. All malgoozars or other persons whose engagements are expressed in Tirsoolee rupees, shall be allowed a batta of rupees 3. 11. 7. per cent. on payments made in Furruckabad or Benares rupees; that is to say, on the payment of rupees 96. 4. 5. of the Furruckabad or Benares currency, the said persons shall have credit for 100 Tirsoolee rupees, in liquidation of demands under engagements expressed in that description of rupee: provided always, that all suspended or unsettled demands or accounts shall be adjusted on the same principle, but no fresh demands shall be admitted on account of any deduction or allowance made in the settlement of accounts already adjusted.

Proviso.

Certain cases in which engagements for lapsed mehals within the province of Benares are to be made in Furruckabad rupees.

IV. All mehals held in farm within the province of Benares, whereof there may be no ancient proprietors forthcoming entitled to re-enter, subject to the payment of the jumma already fixed, being open to re-settlement on the death of the farmers, it is hereby declared and enacted that the collectors within the said province shall hereafter adjust the assessment of such estates, with reference to the assets estimated in Furruckabad rupees, and that the engagements of the malgoozars of such estates shall be uniformly expressed in that currency. In like manner in cases wherein the ancient zemindars may be entitled to re-enter, subject to the payment of the jumma already fixed, the said jumma, if expressed in Gohurshahee or Tirsoolee rupees, shall be converted into Furruckadad rupees at the rates hereinbefore specified, and the engagements of the proprietors shall be expressed in the last-mentioned currency.

And others in which the payment if expressed in Gohurshahee or Tirsoolee rupees, is to be converted into Furruckabad rupees.

A. D. 1821.

A RULE, ORDINANCE, and REGULATION, for the good order and civil government of the settlement of Fort William in Bengal, made and passed by the Most Noble Francis, Marquis of Hastings, Knight of the Most Noble Order of the Garter, Governor General of and for the Presidency of Fort William in Bengal, in Council, the thirty-first day of August in the year of our Lord one thousand eight hundred and twenty-one, and registered in the Supreme Court of Judicature at Fort William in Bengal, the thirteenth day of November in the same year.

WHEREAS it is deemed just and expedient to enact Rules for the prevention and punishment of persons knowingly purchasing or receiving arms, clothes, caps or other articles, generally considered regimental necessaries, from or belonging to any soldiers or deserters in the service of His Majesty or of the Honourable the United Company of Merchants of England trading to the East Indies, within the limits of the town of Calcutta and settlement of Fort William in Bengal aforesaid:

I. Be it therefore ordained by His Excellency the Most Noble the Governor General in Council, by and in virtue of the authority and power in him vested by a certain Act of Parliament made and passed in the thirteenth year of the reign of his late Majesty King George the Third, intituled, "An Act for establishing "certain Regulations for the better management of the affairs of the East India "Company as well in India as in Europe," and by a certain other Act of Parliament, passed in the fortieth year of the reign of his said late Majesty King George the Third, intituled, "An Act for establishing further Regulations for the govern-"ment of the British territories in India, and the better administration of justice "within the same;" that from and after the due registry and publication of this Rule, Ordinance and Regulation in the supreme court of judicature at Fort William in Bengal, with the consent and approbation of the said supreme court, if the said court shall in its discretion approve and consent to the registry and publication of the same, if any person or persons within the limits of the town of Calcutta and settlement of Fort William aforesaid, shall knowingly detain, buy or exchange, or otherwise receive from any soldier in the service of His Majesty or of the Honourable the United Company of Merchants of England trading to the East Indies, or from any deserter therefrom, or from any other person, upon any account or pretence whatsoever, any arms, clothes, caps or other military furniture or accoutrements whatsoever, being commonly used or worn, or intended to be used or worn by such soldier, and generally deemed regimental necessaries, or cause the colour of any such clothes to be changed, or shall move, procure, counsel, solicit or entice any such soldier or other person to sell or dispose of any such arms, clothes, caps, furniture or accoutrements as aforesaid, so provided, used, worn or intended to be used and worn as aforesaid, knowing the same to have been so provided, used, worn or intended to be used and worn as aforesaid, it shall and may be lawful for any two of His Majesty's justices of the peace acting in and for the said town of Calcutta and settlement of Fort William aforesaid, upon complaint of any such offence made before them, to issue their summons or warrant for bringing before them the person or persons complained of, in which case, or in case of such person or persons being otherwise brought or appearing before any two of His Majesty's said justices of the peace, it shall and may be lawful for such justice, before whom such party or parties shall be brought or appear as aforesaid, to take cognizance of such complaint, and having taken in writing the substance thereof, and of the defence and evidence, to acquit or convict the person or persons so charged; and in case of conviction for any such offence, to inflict upon each and every such person or persons so convicted a suitable punishment, by fine, not exceeding fifty sicca rupees for each and every such offence; and if such fine be not paid, it shall and may be lawful for such justices, by warrant under their hands and seals, to commit the person or persons so convicted and failing to pay such fine or fines, to the common gaol or house of correction for the town of Calcutta, there to be kept at hard labour for a period not exceeding three calendar months, or cause such offender to be publicly or privately whipped at the discretion of such justices, instead of inflicting such punishment of fine and imprisonment.

Persons within the limits of Calcutta, and settlement of Fort William, knowingly detaining, buying or exchanging, or receiving, from any soldier or deserter or others any arms, &c. or causing the colour of any such clothes to be changed, or procuring or enticing any soldier or other person to sell or dispose of any such arms, &c.

may be summoned before any two magistrates.

Form of proceedings.

In case of conviction to be punished by fine not exceeding 50 rs. for each offence; and on non-payment to be committed to the common jail or house of correction to hard labour for not exceeding three calendar months, or publicly or privately whipped.

II. And

II. And be it further ordained by the authority aforesaid, that all fines levied under or by virtue of this Rule, Ordinance and Regulation, shall be transmitted to the clerk of the Crown for the use of His Majesty; and that in case of the punishment of whipping being inflicted under this Rule, Ordinance and Regulation, no greater number of stripes be inflicted on any one person convicted than fifty stripes.

Punishment of whipping not to exceed 50 stripes.

II.

REGULATIONS

Passed by the Governor General in Council of *Fort St. George*, in the Year 1821.—N° I. to VI.

A. D. 1821. REGULATION I.

A REGULATION for empowering the Governor in Council, by an order in Council, to establish and abolish Provincial and Zillah Courts, to extend and contract the jurisdiction of the same, and to alter the stations at which they are held, and the order of succession in the jail-deliveries of the several Zillahs, in the territories which are or may be subject to this Presidency:—Passed by the Governor in Council of Fort St. George, on the 23d of January 1821; corresponding with the 12th Tye of the year Vickramah 1742d year of Salewahan, and with the 18th Rabusany 1236 Hijree.

AS it is necessary, for the sake of public economy, for the convenience of the people, and for facilitating the distribution of justice, that, whenever it may be found expedient, the number of the provincial and zillah courts should be increased or diminished: the stations of the several provincial and zillah courts should be changed: the jurisdiction of those courts should be contracted or extended; and the order of succession in the jail-deliveries should be altered or modified: And, as it will be convenient that the Governor in Council should be empowered to make these changes, whenever they may appear advisable, by an order in Council.—The following Rules have been enacted to be in force from the date of this Regulation.

Preamble.

II. The Governor in Council is empowered, whenever he may deem it expedient, to establish or abolish provincial and zillah courts of judicature, to alter the stations of the provincial and zillah courts, to extend or contract the limits of the jurisdiction of those courts, and to change and modify the order of succession in the jail-deliveries of the several zillahs, in the territories which are or may be subject to this Presidency, by an order in Council, under the signature of the Chief Secretary to Government, without enacting a Regulation for that purpose.

Provincial and zillah courts may be established or abolished, their stations altered, their jurisdiction extended or limited, and the order of the jail-deliveries changed by an order in council.

III. All suits, which may have arisen within such part of the local jurisdiction of any provincial or zillah court as may be changed or modified, in virtue of the power granted for that purpose in the foregoing Section, and which may then be depending, shall, with the documents relating thereto, be transferred to the court acquiring jurisdiction over the same.

Depending suits to be transferred to the new jurisdiction.

IV. Such parts of any Regulations now in force as may be contrary to this Regulation are hereby rescinded.

All contrary provisions rescinded.

A.D. 1821. REGULATION II.

A REGULATION for extending the jurisdiction of the Registers, Sudder Ameens, and District Moonsiffs, and for the more effectual checking of abuses by District Moonsiffs:—Passed by the Governor in Council of Fort St. George, on the 13th April 1821.

Preamble.

WHEREAS the administration of justice in the provinces will be greatly facilitated by an extension of the jurisdiction of the Registers, the sudder ameens and district moonsiffs, in regard to the amount and value of property which may be adjudicated upon by them respectively:—And whereas it is expedient to provide more effectually for the investigation of abuses which may be alleged to have been committed by district moonsiffs. The Honourable the Governor in Council has enacted the following Regulation, to be in force from the date of its promulgation.

Jurisdiction of registers extended to one thousand rupees

II. Clause first, Section VI, Regulation VII, of 1809, is hereby rescinded, and the judges of zillah courts are hereby authorized to refer to their registers for trial and decision any suits or appeals filed in their respective courts, for malguzary land, of which the annual produce shall not exceed one thousand Madras rupees; or for lakeraj land, the annual produce of which shall not exceed one hundred Madras rupees; or for other real property not of the description above specified; or for sums of money or other personal property, the amount or value of which shall not exceed one thousand Madras rupees.

Jurisdiction of sudder ameens extended to seven hundred and fifty rupees.

III. The provisions of Section VII, Regulation VIII, of 1816, are hereby extended to authorize the judges of zillahs to refer to the Sudder Ameens for trial and decision any suits filed in their respective courts, for lands exempt from the payment of revenue, the annual produce of which shall not exceed seventy-five Madras rupees; and for land subject to the payment of revenue in money, or in kind, the annual produce of which shall not exceed seven hundred and fifty Madras rupees; or for other real property not of the description above specified, or for sums of money or other personal property, the value or amount of which shall not exceed seven hundred and fifty Madras rupees.

Jurisdiction of district moonsiffs extended to five hundred rupees.

IV. The jurisdiction of district moonsiffs as defined in Section XI, Regulation VI, of 1816, is hereby extended, in regard to suits of the description specified in Clause Second of that Section to fifty Madras rupees; and in regard to suits of the description specified in Clauses third, fourth and fifth of that Section, to five hundred Madras rupees.

District moonsiffs not to receive fees on suits for sums not exceeding ten rupees;

But not authorized to refuse to receive such suits.

V. District moonsiffs shall not be entitled to receive the compensation provided by Clause first, Section XVI, Regulation VI, of 1816, on the decision by them of any suits in which the cause of action shall be for sums of money, or other personal property, the amount or value of which shall not exceed ten Madras rupees: Provided always, that this rule shall not be construed to authorize district moonsiffs to refuse to receive, try or determine any such suits when brought before them.

Collectors to make preliminary inquiry into alleged abuses on the part of district moonsiff;

and if grounds exist for the charge, they are to bring it to the notice of the zillah judge.

VI. Whenever a collector, or a subordinate or assistant collector, shall receive information of any acts of extortion, undue exaction, or other gross misconduct alleged to have been committed by a district moonsiff, he shall make such inquiries as the nature of the case may suggest, for the purpose of ascertaining whether any grounds exist for a more full and formal investigation of the charge; and if he shall find such grounds to exist, he shall forward a statement of the case, together with the list of witnesses to the facts and circumstances thereof, to the zillah judge, in order that he may proceed in regard to the accused in the mode prescribed by Section VII, Regulation VI, of 1816.

A. D. 1821. REGULATION III.

A REGULATION for determining the rate of duty on Opium, exported or imported by Land, to or from any of the Foreign European Settlement adjoining the territories subject to the Presidency of Fort St. George:—Passed by the Governor in Council of Fort St. George, on the 15th June 1821.

Preamble.

WHEREAS by the provisions of Regulation III, of 1818, a duty is imposed on opium of a certain description, when the same shall by sea be exported to or imported from any port or place within the territories subject to the Presidency of Fort St. George: And whereas it is expedient that a like duty should also be imposed and chargeable on all opium of the same description as that specified in the before-mentioned Regulation, when the same shall by land be exported to or imported from any Foreign European Settlement adjoining the territories subject to this Presidency, the Governor in Council of Fort St. George, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, has enacted the following rules to be in force from the period of their promulgation.

A duty of forty rupees a viſs to be paid on opium paſſing the frontier of foreign European ſettlements.

II. All opium, with the exception specified in the following Section, shall, on exportation or importation by land, to or from any of the foreign European Settlements adjoining the territories subject to the Presidency of Fort St. George, be subject to a duty at the rate of 40 rupees per viss.

Exception in favour of opium purchaſed at the Company's ſales in Calcutta.

III. Opium exported to or imported from any of the aforesaid settlements by land, and accompanied by a certificate specifying that it has been purchased at the Company's sales in Calcutta, shall be subject only to the rate of duty prescribed by the Regulations in force to be levied on goods and merchandise passing to and from those settlements.

Opium exported or imported in breach of this Regulation liable to ſeizure and confiſcation.

IV. Any opium exported or imported in breach of the rules and provisions of this Regulation shall be forfeited, and the proceeds thereof disposed of under the general rules prescribed in Clause First, Section XX, Regulation I, of 1812, for the division of the amount sales of all confiscated goods; and such opium shall and may be seized by the collector, or any of the officers of the Custom-house, or Customs, or by any of the officers of Government.

A. D. 1821. REGULATION IV.

A REGULATION for giving greater efficiency to the system of Police established in the Provinces subordinate to the Presidency of Fort St. George:—Passed by the Governor in Council of Fort St. George, on the 15th June 1821.

Preamble.

WHEREAS it is expedient that the Ameens of Police should have authority beyond the limits of the towns to which they are appointed: And whereas it is also expedient that the preliminary powers of investigation for the discovery of offences and the apprehension of offenders, which are now vested only in tahsildars, or other head officers of district police, should be delegated to competent subordinate officers in different parts of each talook: And whereas the transmission of parties and witnesses, in all cases of petty theft, and other petty offences, from the place where the offence is charged to have been committed, to a distance therefrom, in order to their being brought before the magistrate, is a cause of great inconvenience, loss and injury to the persons so sent; and there is reason to believe that in consequence of such inconvenience the knowledge of offences committed is frequently concealed and suppressed, and the offenders escape punishment; and it is therefore expedient that the powers of the heads of district and village police should be extended: And whereas the recording of evidence in cases of petty offences and petty thefts is a duty of great labour and time without an equivalent benefit; and the too frequent administration of oaths where the

matter under inquiry is of little moment, has a tendency to weaken the sanctity of oaths, and to encourage perjury, The honourable the Governor in Council has enacted the following rules to be in force from the date of their promulgation :

The authority of ameens of police may be extended beyond the limits of the towns to which they are appointed.

II. *First.*—In modification of the provisions of Section XL, Regulation XI, of 1816, it is hereby declared competent to magistrates to extend, at their discretion, the local limits of the jurisdiction of Ameens of Police to any distance they may see fit beyond the towns to which such Ameens have been or may be appointed.

Ameens of police subject to the authority of Tahsildars, and liable to perform revenue duties.

Second.—Ameens of Police, and generally all subordinate officers of police of every description, shall be subject to the authority of the tahsildars of their several districts; and shall perform all such revenue duties as may be assigned to them by the collectors or tahsildars under whom they serve.

Subordinate officers to be authorized to make inquiry of offences, arrest of offenders, take inquests, &c.

III. *First.*—Magistrates shall select such number of competent subordinate officers belonging to their district establishments as may appear to them necessary to perform in different parts of each talook the police duties assigned to tahsildars and other head officers of police, by Sections XXVII, XXVIII, XXIX, XXXI, XXXII, XXXVI, and XXXVII of Regulation XI, of 1816; and all acts done in conformity with the provisions of the enactments here referred to by the persons so selected shall be valid.

Subordinate officers to forward their proceedings to the heads of district police.

Second.—The subordinate officers referred to in the foregoing clause shall forward to the heads of police of their respective districts all examinations, depositions and confessions that may be taken by them, together with the prisoners and witnesses in every case which they may investigate, in order that the said heads of police may transmit them to the magistrate or the criminal judge in conformity with the existing Regulations.

Officers appointed under this Section not authorized to punish in any case.

Third.—The persons who may be selected under the provisions of this Section shall not have authority to inflict punishment of any kind, nor to hear or determine complaints for petty offences; and they shall be subject to the authority of the tahsildars of their respective districts.

Heads of district police authorized to punish petty thefts not exceeding five rupees.

Punishment they may inflict.

IV. *First.*—Heads of district police are hereby empowered to hear and determine cases of petty theft, not attended with aggravating circumstances, nor committed by persons of notoriously bad character; and on conviction of the accused, when the value of the property stolen shall not exceed five Madras rupees, to inflict punishment not exceeding six strokes with a rattan.

If greater punishment appear requisite, a report of the case to be made to the magistrate,

who will issue his orders.

Second.—Whenever a head of district police investigating under the authority vested in him by this Section, shall be of opinion that the punishment which he is empowered to inflict is not adequate to the offence committed, he shall report the case to the magistrate for his final orders; and the magistrate shall, at his discretion, either issue his orders in writing to the head of district police to inflict such punishment as the magistrate may deem sufficient, or he shall order the head of district police to forward the parties and witnesses to him for further investigation.

If no orders on the reference are given by the magistrate, the accused to be released, and the imprisonment deemed a sufficient punishment.

Third.—Provided always, that if at the expiration of thirty days from the date and day of despatch of any reference from a head of district police to a magistrate, under the provisions of the foregoing clause, no answers or orders of the magistrate shall have been received by the head of district police, then the head of district police shall release the offenders, and the confinement which they have so had shall be considered a sufficient punishment for the said offence, and they shall not be liable to be again tried for the same.

Heads of district police to report punishments inflicted by them under this Section.

Fourth.—Heads of district police shall report to the magistrate, in the mode prescribed by Clause Second, Section XXXIII, Regulation XI, of 1816, all punishments which they may inflict under the provisions of Clause First of this Section.

Heads of district police may fine to the extent of three rupees.

V. *First.*—The power granted to the tahsildars, or other heads of district police, by Section XXXIII, Regulation XI, of 1816, of fining persons duly convicted before them of offences of a trivial nature, is hereby extended to the imposition of a fine not exceeding three Madras rupees.

And may give the fine, or part thereof, as compensation to an injured party.

Second.—In cases of injury to any complainant when the fine may have been levied, it shall be lawful for the head of district police to award the whole, or any portion

portion of such fine, to the party aggrieved, by way of satisfaction for such injury, as he may deem equitable; the remainder of such fine, if any, to be carried to the account of Government.

Third.—Head officers of district police shall make immediate report to the magistrates of all cases in which they shall exercise the power of fining under this Section. Immediate report of fines to be made by heads of district police to the magistrates.

VI. *First.*—The powers granted to heads of villages, under Clause First, Section X, Regulation XI, of 1816, to punish trivial offences, are hereby extended, under the rules and limitations therein specified, to the punishment of petty thefts not attended with aggravating circumstances, nor committed by persons of notoriously bad character, and where the value of the property stolen does not exceed one Madras rupee. Heads of villages authorized to punish petty thefts not exceeding one rupee.

Second.—Heads of villages shall report to the head police officer of the district all cases in which they shall have exercised the power of punishment granted to them by Clause First of this Section. Such punishments to be reported to the head of district police.

VII. *First.*—Section XXXVII, Regulation IX, of 1816, is hereby rescinded. Rescission.

Second.—Magistrates shall not be required to take down in writing or to record the examinations they may take in the investigation of complaints preferred before them under Sections XXXII, and XXXIII, of Regulation IX, of 1816. Magistrates relieved from taking written evidence in petty complaints.

VIII. Magistrates shall not be required to include in the Calendar prescribed in the latter part of Section XL, Regulation IX, of 1816, returns of any punishments adjudged by them under the provisions of Section XXXII, of that Regulation, nor of such punishments, not exceeding ten days imprisonment, or six strokes with a rattan, as they may adjudge under Section XXXIII, of the above quoted Regulation. Magistrates not required to make return to the provincial courts of punishment to a limited extent.

IX. Magistrates and their assistants shall be at liberty, in the examination of complaints for petty offences, and of complaints for petty thefts, to exercise their discretion whether to administer oaths to the prosecutors and witnesses, or to examine persons without their being sworn. A discretionary power granted to magistrates in regard to the administration of oaths in certain cases.

X. The same exemption from the necessity of recording depositions is hereby granted to tahsildars, and other head police officers of districts, in the examination of cases on which it is competent to them to pass decision. Heads of district police not required to record evidence in certain cases.

A. D. 1821. REGULATION V.

A REGULATION for authorizing Collectors to rent out the levy of the inland Duties in the Districts under their management—for rescinding Regulation XIV, of 1809—and for modifying some of the Rules of Regulation I, of 1812.—Passed by the Honourable the Governor in Council of Fort St. George, on the 29th June 1821.

WHEREAS the frauds committed in the levy of the land-customs, and the consequent loss experienced in the realization of that branch of the revenue, render it desirable to revert to the practice which formerly obtained of renting out the collection of land-duties in districts in which that system can be now introduced with advantage: And whereas it is expedient that Regulation XIV, of 1809, which established a monopoly of saltpetre, and Section XVIII, Regulation I, of 1812, which permitted the issue of Muaffee Rowannas, should be rescinded; the Governor in Council has enacted the following rules, to be in force from the 12th day of July next ensuing: Preamble.

I. Collectors are empowered to rent, under the orders of the Board of Revenue, the general inland-duty, of which the levy is prescribed by Section III, Regulation I, of 1812, in all the districts subject to the Presidency of St. Fort George, in which it may be deemed expedient by the Governor in Council to introduce that system of management. The land-customs may be rented out under the orders of the Board of Revenue.

II. The rents shall be granted, inclusive or exclusive, of the duties collected on the frontiers of foreign European states—and of the duties levied under Regulation VI, of 1812, as the Board of Revenue may determine. Rents may be inclusive or exclusive of frontier, and town consumption duties.

Duties to be collected by the renter in conformity with the Regulations.

III. The general inland-duty, and other duties when rented out, shall be collected by the renter in conformity with the provisions of the general Regulations for the levy of these duties, except in as far as the same may be modified by the present enactment.

Cowles and muchilkas to be executed.

IV. *First.*—Cowles approved by the Board of Revenue shall be granted to renters of the customs: and muchilkas, being counterparts of the cowles, shall be executed by the renters, and deposited in the office of the collectors.

Breach of the ſtipulations of the cowle to incur its forfeiture.

Second.—The collection of duties by any renter, or by any person on his account, at any but the chokies enumerated in his cowle, and established according to Section V, Regulation I, of 1812, or the breach of any of the other stipulations in the cowle, if proved to the satisfaction of the Board of Revenue, shall be declared to void the agreement, and to authorize the collector under the Board's orders to resume the rent.

Cowles and muchilkas to be written on ſtamped paper.

Third.—The cowles to be granted to renters, and the muchilkas which they will execute to the collectors, for the rent of the custom-duties, shall be written upon stampt paper of the value prescribed in Section XI, Regulation XIII, of 1816.

Reſciſſion of Regulation XIV, of 1809.

V. Regulation XIV, A. D. 1809, is rescinded; and the articles of saltpetre and gunpowder will be passed with the same rowena as all other goods; the transit of the latter article is however to be subject to the restriction declared in Section XV, Regulation XIII, of 1812.

Renters to be furniſhed with blank rowanas on payment for them.

VI. The rules of Section V, Regulation II, of 1817, are hereby declared applicable to the transit of goods under rowanas to be granted by renters of the customs under their seal and signature; blank rowanas shall be issued to the renters by the proper officers of Government, on payment being first made for the same by the said renters.

Goods ſeized by renters for evading duties to be reported to the collectors.

VII. *First.*—When renters may seize goods for having passed the chokies without payment of duties, they shall immediately report the seizure to the collectors, who will proceed thereupon in the mode prescribed by Sections XIX, and XX, Regulation I, of 1812.

Renters entitled, firſt, to the duty on all ſmuggled goods; ſecondly, to the informer's share.

Second.—The rights of the renter in regard to smuggled goods are declared to be, first, the receipt of the Government customs due on such goods; and secondly, in the event of the goods being confiscated, or of double or treble duty being ordered to be levied, the receipt of such portion of the proceeds of sale, or of the surplus duty as would be granted to the informer under Section XX, Regulation I, of 1812. The actual seizers, whether the officers of the renter, or others, will receive, under the orders of the collector, the share allotted by the regulation to officers making the seizure.

Seizers to be rewarded.

Powers of magiſtrates in diſtricts where the cuſtoms are rented.

VIII. In districts in which the customs are rented, the powers vested in magistrates by Section XXI, Regulation I, of 1812, and declared in Section XLIV, Regulation IX, of 1816, to be exerciseable only by the criminal judges, shall be considered vested in the magistrates.

Renters ſervants to be puniſhed like collectors ſervants for extortion and other abuſes.

IX. The provisions of section XXII, XXIII, and XXIV, Regulation I, of 1812, are hereby extended to the punishment of all persons employed by the renters of the customs, and to all persons unduly and unauthorizedly making collections in the name and under the pretended authority of the renters.

X. Section XVIII, Regulation I, of 1812, is hereby rescinded.

A. D. 1821. REGULATION VI.

A REGULATION for the better order and discipline of Military Bazars, and for the prevention of drunkenness among Soldiers, and for rescinding Regulation VI, of 1809, and Regulation III, of 1810.—Passed by the Honourable the Governor in Council of Fort St. George, on the 28th August 1821.

Preamble.

WHEREAS it is the intention of the Governor in Council to establish a more extensive system of military bazars for procuring supplies for troops on march and in cantonments: And whereas the provisions of Regulation III, of 1810, for

furnishing the means of conveyance and supplies to detachments of troops and to travellers, have proved oppressive to the native inhabitants of the provinces, and the other provisions of that Regulation are unnecessary: And whereas it is essential to the efficiency of military bazars that the bazar-men, and the retainers and followers attached thereto, should be subject to the authority of officers in command, and be liable to be tried by courts-martial for breach of Regulations established by competent authority: And whereas it is necessary, for the better preserving of discipline in garrisons and cantonments, and over retainers and followers of the army, that commanding officers should be authorized to bring to trial by court-martial all persons subject to their authority, for assaults, affrays, petty thefts and other petty offences, and for that purpose that Regulation VI, of 1809, should be rescinded: And whereas it is essential to the efficiency of the military bazars, and to the convenience of the persons amenable to military authority, that the commissariat officers, or other officers in charge of general bazars, acting under the orders of commanding officers, should have authority, according to former usage, to assemble punchayets for the settlement of disputes to any amount, and that the officers in charge of bazars should have authority to hear and determine suits for petty debts; and further, that military courts to be assembled by officers in command should have authority to try and determine actions of simple debt to a limited amount due by native officers, soldiers, artificers, retainers or followers of the army: And whereas in consequence of the frequent commission of heinous crimes by European soldiers in a state of intoxication, it is necessary to place the manufacture and sale of spirituous and fermented liquors under further check and control: And whereas under the provision of the statute of the 53 Geo. III. c. 155, cl. 96, the Governor in Council of Fort St. George is vested with full power and authority "to make "all such laws and regulations, and articles of war, as he may think fit, for the "order and discipline of all officers and soldiers, natives of the East Indies, "or other places within the limits of the said Company's Charter; and for the "administration of justice by courts-martial to be holden on such native officers "and soldiers, and for the constitution and manner of proceeding of such courts-"martial, and for all other purposes relating to or in any manner concerning such "native officers and soldiers, in as full and ample a manner as the said Governor in "Council may make any other laws or regulations for the government of the natives "of the territories subject to the Presidency of Fort St. George: Provided always, "that all such laws, regulations and articles of war, whereby the rights, persons or "property of any such native officers or soldiers may be affected, shall be made "and promulgated in every respect in the same manner as other regulations affect-"ing the rights, persons or property of natives, or other individuals amenable to "the provincial courts of the said Presidency of Fort William in Bengal are "directed to be made, by virtue of an Act, passed in the thirty-seventh year of his "Majesty's reign, intituled, *An Act for the better Administration of Justice at "Calcutta, Madras and Bombay, and for preventing British subjects from being "concerned in Loans to the native Princes in India*:"—The Governor in Council has enacted the following rules to be in force from the date of their promulgation:

Rescission.

II. Regulation VI, of 1809, and Regulation III, of 1810, are hereby rescinded.

The police authority, and the preservation of peace within garrisons and cantonments, duly defined by Government, may be vested in commanding officers.

III. *First.*—The police authority, and the maintenance of the peace within the limits of garrisons, cantonments and stations (including the military bazars attached thereto), plans of which shall with that view have been first sanctioned and confirmed by Government, and deposited at the Cutcherry of the magistrate of the district in which they are respectively situated, may, by express authority from the Governor in Council, when the nature and extent of the population may be considered to render such an arrangement advisable, be vested in the officers commanding the troops at such places, who will in such case take the necessary measures, by means of the troops under their command, for preventing the commission of crimes within the limits of the said cantonments and military bazars, and for the discovery and apprehension of persons guilty of the same.

In other cases commanding officers will exercise police authority only within the military bazars.

Second.—When from the nature and extent of the population it may not be considered advisable to vest police authority, and the maintenance of the peace within the limits of any garrison, cantonment, or station, in the commanding officer, a space of ground shall be assigned for a military bazar, the limits of which shall be fixed by the Government, and the general superintendence of the police, and maintenance of the peace within such limits only, shall be vested in the officer commanding.

IV.

Retainers of the army, camp followers, artificers, &c. to be tried by court-martial for breach of good order and local Regulations eſtabliſhed by competent authority.

IV. All persons serving with any part of the army, and receiving public pay drawn by any officer in charge of a public department appertaining to the army; all servants of officers, and generally the servants and followers of all persons serving with the troops, and all retainers of the army, though not charged with any fixed or specific public duties, are hereby made liable to be tried by court-martial for all breaches of general orders, or local regulations established by competent authority for the maintenance of good order and discipline in the cantonment, garrison, or other station where the troops to which they are attached may be serving, and if found guilty by such court to be sentenced to receive such reasonable punishment as their offences may be deemed to deserve.

Retainers of the army may be tried by court-martial for affaults and petty thefts.

V. All followers of the army, and other persons of the description mentioned in the foregoing Section, are hereby made liable to be tried by court-martial for affrays, assaults, and other breaches of the peace, not amounting to heinous offences, nor attended with aggravating circumstances; and likewise for petty thefts, that is to say, thefts unattended with circumstances of violence and outrage, and where the value of the thing charged to be stolen does not exceed twenty Madras rupees.

The jurisdiction of commanding officers not to extend to perſons not retainers of the army, nor to the cognizance of heinous crimes.

VI. *First.*—Nothing contained in the preceding rules shall be construed to authorize the commanding officers of cantonments, or other military stations, to bring to trial before a court-martial any person who is not a retainer of the army of any of the descriptions mentioned in Section IV, of this Regulation.

But perſons ſmuggling ſpirits into military limits to be puniſhable by military authority, whether they be retainers of the army or not.

Second.—Provided, however, that the commanding officers of garrisons, cantonments, or other military stations, shall have authority to bring to trial before a court-martial any native who shall be apprehended in the fact of smuggling spirits within any military bazar, or within the limits to be defined by the Governor in Council, under Section XIV, of this Regulation, although the accused be not a person of any of the descriptions above stated, nor a resident within the said limits.

The police of general military bazars to be under the commiſſariat officer.

VII. The superintendence of the police, and the preservation of the peace within the limits of general military bazars, and generally as regards all persons subject to martial law, are hereby vested in the commissariat officer, subject to the orders of the commanding officer of the station; and he shall accordingly have authority to take examination on oath, when necessary, and to take cognizance of all persons resorting to or attending the bazars; and to arrest suspicious persons, and persons charged with any offence or breach of the peace, within the limits of military bazars, and generally all persons amenable to martial law, whether within those limits or elsewhere, and to commit such persons to custody, in order to their being dealt with according to the Regulations or Articles of War, as the case may be. But the said superintendent of general bazar police hall have no authority in any case to inflict or order the infliction of punishment.

The ſuperintendent of bazar police authorized to adminiſter oaths, and to take cognizance of all perſons reſorting to the general bazars;
and of all perſons amenable to martial law;
but not authorized to puniſh.

Commiſſariat officers authorized to appoint punchayets for the ſettlement of diſputes to any amount.

VIII. *First.*—Commissariat officers in charge of general military bazars, acting under the orders of the commanding officer, are authorized (according to former usage,) on application being made to them by parties having disputes or differences to settle, and with the consent of the parties on both sides, to appoint a punchayet to hear and determine the matters in dispute, whatsoever may be the amount or value of the money or other property sought to be recovered. Each party shall nominate two members to the punchayet, and the commissariat officer shall nominate one additional member. On the appointment of the punchayet, the usual muchilkas shall be executed by the parties binding themselves to abide by the award of the punchayet: the muchilkas shall be filed in the office of the commissariat officer, to whom the proceedings and award of the punchayet shall be delivered when the decision has been passed, in order that the same may be registered and preserved in his office. The commissariat officer on receiving the award shall summon the parties before him; and having declared the decision of the punchayet, shall deliver a copy to each party, indorsing thereon the date of delivery.

No appeal from the awards of punchayets, except in caſes of groſs partiality.

Second.—No appeal shall lie from decisions of punchayets under this Regulation, except in cases of gross partiality, when either may bring the matter by petition upon stamped paper of the prescribed rate, according to the amount of the suit, before the judge of the zillah, who will proceed in the case conformably to the provisions of Section XI, Regulation V, of 1816.

Third.—

Third.—Members of punchayets assembled under this Regulation shall be liable to prosecution in the zillah court for corruption in the discharge of their trust, conformably to the provisions of Section XVIII, Regulation V, of 1816.

Members of punchayets may be profecuted for corruption.

IX. The commissariat officers in charge of bazars, acting under the orders of commanding officers, shall have authority, according to former usage, to investigate and decide complaints for petty debts, not exceeding twenty rupees, which may be preferred to them against any bazar-man, or other retainer of the army, of the description mentioned in Section IV, of this Regulation.

Commiſſariat officers authorized to decide caſes of debt not exceeding twenty rupees.

X. The awards of punchayets, and the judgments of commissariat officers, in charge of bazars, passed under this Regulation, shall, on the application of the person in whose favour the award or judgment has been pronounced, be carried into execution by the commissariat officer, under the orders of the officer commanding the troops, who, on application made to him by the commissariat officer, shall immediately issue the necessary orders in writing to that effect.

Execution of judgments by commiſſariat officer.

XI. *First.*—In every general military bazar a register shall be kept, wherein all persons having houses, shops, or other buildings, or fixed places within the limits thereof, in which they carry on trade, or otherwise supply or serve the troops, may, with the approbation and consent of the commissariat officer in charge, have their names and occupations entered. A similar register shall be kept for bazar-men attached to a battalion.

Bazar-men and others attached to ſtation or regimental bazars, may be regiſtered.

Second.—No person shall be registered as attached to a station or regimental bazar without his consent; and any person so registered shall be entitled at any time to demand his discharge from the registry, provided, that when any corps is on actual service, or there is an immediate prospect of its being ordered to march, it shall be in the discretion of the commanding officer of such corps to withhold the discharge of any person attached to the bazar of that corps; but he shall withhold it so long only as the immediate exigency of the public service requires.

Their own conſent is neceſſary, and they may demand their diſcharge from the regiſtry;

which commanding officers muſt grant, except when troops are on the eve of marching.

Third.—All bazar-men of every description residing in military bazars, the limits of which may have been fixed by the Government, for the purpose of supplying the troops and followers of the army, and all bazar-men attached to troops marching, whether registered or not, shall be subject to all Regulations made by competent authority for the maintenance of good order and fair dealing in the bazar, and for the prompt and efficient execution of such services as belong to their respective occupations, and shall be liable to be tried by a native court-martial for any breach thereof.

Bazar-men of every deſcription, reſiding in military bazars, declared amenable to court-martial for breach of good order and fair dealing.

XII. *First.*—Persons attached to bazars, who are above the condition of petty dealers, menial servants or workmen, and would suffer degradation and disgrace, by the infliction of corporal punishment, shall not be liable to corporal punishment, in the first instance, for breach of local Regulations, but shall be liable to a fine to the use of Government, which shall in no case exceed Madras rupees one hundred; and the said fine, if not paid forthwith, shall be levied by the commissariat officers in charge of the bazar, under the written order of the commanding officer, grounded on the sentence of the court-martial, by seizure and public sale of such goods of the offender as may be found within the limits of the garrison, cantonment, or bazar; and, if sufficient goods shall not be found within the limits, the offender may be arrested by a written order of the commanding officer, and confined for one month, unless he sooner discharge the fine. Any person attached to a bazar, who shall be sentenced to a fine by a court-martial, for the breach of any local Regulation, and shall fail to discharge the same, shall be liable, in case of conviction for a second offence, to be sentenced to corporal punishment in the same manner as petty dealers, workmen or menial servants, or to be struck off the register of the station-bazar, or bazar of the corps, as the case may require.

Exemption from corporal puniſhment in certain caſes.

Levy of fines.

Impriſonment for non-payment of fines.

Puniſhment for ſecond offence of perſons exempt from corporal puniſhment for firſt offence.

Second.—If any person deeming himself entitled to exemption under the preceding Section shall be sentenced to corporal punishment by a court-martial, the commanding officer shall, upon appeal to him, and proof given to his satisfaction, that such person is entitled to the exemption, commute the punishment for a fine not exceeding Madras rupees one hundred, which fine shall be levied in the same manner as if it had been originally imposed by the court-martial.

Claim of exemption how to be preferred after ſentence paſſed by court-martial.

XIII. Whenever a court-martial may deem it necessary to sentence prisoners convicted before them to be punished by imprisonment and hard labour, commanding

Criminal judge authorized to receive perſons ſentenced by court-martial to hard labour.

manding officers shall forward the persons so sentenced to the criminal judge of the zillah, with an authenticated copy of the sentence of the court; and criminal judges are hereby directed to receive such convicts, and to work them in conformity with such sentences.

The abkary military bazars to be under the commiſſariat officer.

XIV. Within all military bazars, and within such limits around them as may be fixed under the orders of the Governor in Council, the manufacture of arrack, toddy, and other fermented liquors, and the sale of foreign and country manufactured spirits, shall be under the exclusive control and direction of the commissariat officer of such station.

Spirits ſmuggled into military cantonments to be confiscated for the benefit of the contractor.

XV. All arrack, or other spirituous liquor, smuggled, or attempted to be illicitly conveyed into the limits of garrisons, cantonments, or other military stations, shall be liable to seizure and confiscation under the orders of the commanding officer. Where there is a military contractor all such confiscated liquor shall be given over to him.

The ſale of ſpirituous liquors to European ſoldiers declared an offence.

XVI. *First.*—The sale of any spirituous liquors to or for any European non-commissioned officer or soldier, or European woman, by any revenue abkary renter, distiller, vender, or other person, is hereby strictly prohibited, except with the permission in writing of the commanding officer.

Puniſhable by court-martial, if committed by perſons amenable to their jurisdiction.

Second.—If any retainer of the army, or other person amenable to martial law, shall be charged with having sold any spirituous liquors to any European non-commissioned officer or soldier, or to any European woman, without the permission referred to in the foregoing clause, he shall be tried, and punished on conviction, by a native court-martial.

Puniſhable by the magiſtrate if committed by perſons not amenable to martial law.

Third.—If any person resident at or in the immediate neighbourhood of a military station or cantonment, but not subject to be tried by military law, or any person, wherever resident, who is amenable to the authority of the magistrate, shall be charged with having sold any spirituous liquor to any European non-commissioned officer or soldier, or to any European woman, without the permission

Amount of puniſhment.

referred to in the first Clause of this Section, he shall, on conviction thereof before the magistrate, be sentenced to corporal punishment, not exceeding twenty rattans for the first offence, and thirty rattans for every subsequent offence; or to a fine not exceeding fifty Madras rupees for the first offence, and not exceeding one hundred Madras rupees for every subsequent offence, according to the condition and situation in life of the offender; or if no property of such offender be found, or not sufficient to pay the amount of the fine, such offender shall be sentenced to imprisonment for such further time as may appear to be a fair commutation for the fine or portion of the fine that may be due, provided that such imprisonment shall in no case exceed two months.

Proceſs of arreſt from the civil and criminal courts (except that of the ſupreme court) how to be executed in military cantonments, garriſons, &c.

Commanding officer to back the proceſs, and uſe his utmoſt endeavours to cauſe the perſon againſt whom the writ has iſſued to be taken,

and delivered to the perſon charged with the writ.

XVII. In all cases in which it may be necessary to execute any process of arrest, issuing from any civil or criminal court, within the limits of a garrison, cantonment, military station, or military bazar, (the process of the supreme court only excepted,) the officer charged with the execution thereof shall carry the said process to the commanding officer or senior officer in the garrison, contonment, or station, who shall immediately back the same with his signature, and use his utmost endeavours to cause the person or persons named in such process to be discovered; and, if within the limits of the garrison, cantonment, station, or bazar, to be arrested and delivered, according to the exigency of the process, to the civil officer charged with the execution thereof. But nothing herein contained is to be construed to prevent the service by the civil officers in the usual way, of summonses, subpœnas, or other process of mere citation, without arrest.

Military courts to be convened when neceſſary to try caſes of ſimple debt due by perſons amenable to martial law.

XVIII. *First.*—Commanding officers of stations and of corps shall convene, when necessary, military courts, to be composed of native officers, with an European officer to superintend and record the proceedings; and such courts shall have authority to hear, try and determine all suits that may be brought before them for the recovery of any debt alleged to be due by any native officer, or soldier, or artificer, or any retainer of the army, or any person registered as attached to station or regimental bazars, or any servant of an officer, provided that the cause of action be for simple debt not exceeding two hundred Madras rupees; and that the defendant was a person of one of the descriptions abovementioned at the time of the institution of the suit. But the courts authorized to be assembled under this Section

Limitation of their jurisdiction.

Section shall not have power to try suits for damages, nor concerning disputes of caste, nor for divisions of family property, nor for the right or possession of land or other real property; but all such suits shall be referred to the civil tribunals, to be tried under the general Regulations.

Power of military courts to enforce payment of sums decreed by them.

Levy by distraint.

Second.—It shall be competent to the courts convened under this Section, upon finding any debt due, to award execution thereof; and, on the application of the party in whose favour judgment has been given, the amount due under the said judgment shall be levied by seizure and public sale of such of the debtor's goods as may be found within the limits of the garrison, cantonment, or military bazar, under a written order of the commanding officer, grounded upon the judgment of the court, which shall be executed by the commissariat officer in charge of the bazar; and if sufficient goods are not found within the limits, the debtor shall be arrested by a written order of the commanding officer, and imprisoned in some convenient place of confinement within the limits of the garrison, cantonment, or military bazar, for a term not exceeding two months, at the discretion of the said court, unless the debt be sooner paid; and his goods, if found within the limits at any subsequent time, shall be liable to be seized under a written order as above provided, and sold in satisfaction of the debt.

Imprisonment.

Suits declared cognizable by military courts under this regulation not to be entertained by the civil courts.

XIX. No suit of the description, and within the amount specified in Clause First of the preceding Section, shall be received, or filed in any of the civil courts against persons carrying on trade, or supplying the troops in station or regimental bazars, unless it be averred in the plaint, that the defendant, though resident, or carrying on such trade or occupation within the military limits, is not registered, or that though registered he has not, within the space of three months preceding, truly and *bonâ fide* exercised the occupation in respect of which he is registered within the said limits, or that the cause of action is not cognizable by a military court. In all cases where the averments abovementioned shall be made, the Judge issuing the summons in the suit shall indorse upon it, as the case may be, "suit exceeding the "amount cognizable by military court," or, "suit not of the description cognizable "by military court," or, "defendant not registered," or, "defendant not entitled "to privilege of registry," and shall sign the indorsement. All processes so indorsed shall, if the defendant be within the limits of the garrison, cantonment, or military bazar, be delivered, in the first instance, to the commanding officer, who will direct the attendance of the party so summoned; but if at the trial the plaintiff shall not prove, according to the purport of the indorsement, that the suit, from its nature or amount, is not cognizable by a military court, or that the defendant, though resident, or carrying on such trade or occupation as above mentioned, within the military limits, was not registered, or that though registered, he had not during the space of three months preceding truly and *bonâ fide* exercised the trade or occupation in respect of which he is registered within the limits, he shall be nonsuited, with costs.

Courts-martial how to be convened.

XX. The courts-martial, and other military courts authorized to be holden by the provisions of this Regulation, are to be convened by officers commanding stations, garrisons, or detachments, as the case may be; and when single corps are employed in separate or detached situations, then by the officers commanding the corps so detached.

Where there is no commissariat officer, any other officer may be appointed by the commanding officer to perform the duties above described.

XXI. The duties and powers assigned by this Regulation to the commissariat officers in charge of military bazars shall be executed, where no commissariat officer may be present, by such other officer as the commanding officer of the station may nominate to discharge them.

Limitation of commanding officers power in regard to real property within military limits.

XXII. *First.*—Nothing in this Regulation is to be construed to give any authority to commanding officers to dispossess proprietors of land or houses situated within the limits of military bazars.

Commanding officer to regulate, under the sanction of Government, the terms on which Government land may be occupied by bazar-men.

Second—Provided, however, that when the ground allotted to bazars is the property of Government, and the occupation of individuals has been merely permissive, the commanding officer is empowered to make such Regulations as he may think fit, (subject to the approbation of the Governor in Council) respecting the tenure or occupation of houses, shops, or other fixed places, situated upon such ground as belongs to Government, which Regulations, after receiving the approbation of the Governor in Council, shall be published in station-orders, with a translation in the language commonly used in the district, and shall not be of force

until fourteen days after they shall have been so published within the limits of the station-bazar.

European and other vendors of ſpirits in the provinces to be licenſed by collectors.

XXIII. Doubts having arisen as to the extent to which the sale of foreign spirits may be permitted to shopkeepers and petty merchants in the provinces, without encroaching on the privileges of the abkary renter in each district, to whom exclusively the retail sale of such spirits is to be permitted under Clause Fifth, Section IV, Regulation I, of 1820, It is hereby declared, that no European shopkeeper, nor any other trader or dealer, except the abkary renters and their sub-renters, and the person selling on their behalf, shall be allowed to sell any less quantity than one gallon of brandy, gin, rum, Batavia or Colombo arrack, or of any other spirit of foreign manufacture, nor to sell any such liquor in any quantities whatever, unless he have obtained a license from the collector, as hereinafter prescribed.

Not to ſell leſs than one gallon of ſpirits.

Prohibition to ſell without a licenſe.

Collectors to licenſe proper perſons only to vend ſpirits.

XXIV. *First.*—Collectors are hereby empowered to grant licenses to Europeans or others (whom they may not consider unfit and improper persons to hold such licenses) authorizing them to sell in quantities not less than one gallon, spirituous liquors, not manufactured within the provinces subject to the Presidency of Fort St. George.

Stipulations and form of the licenſes.

Not to ſell any ſpirits of country manufacture.

Not to ſell foreign ſpirits in leſs quantities than one gallon.

Second.—Such licenses shall be written or printed on unstamped paper, according to a form to be approved by the Board of Revenue, and shall contain stipulations that the person to whom the license is granted shall not sell any spirituous or fermented liquor manufactured in the provinces subject to the Presidency of Fort St. George; that he shall not sell foreign spirituous liquors in less quantities than one gallon, and that he shall not sell any such last-mentioned liquors, wine, or any spirituous or fermented liquors, in any quantity whatever, to any European non-commissioned officer or private soldier, without the permission referred to in Clause First, Section XVI, of this Regulation.

Not to ſell any ſpirituous or fermented liquors to ſoldiers, without the written permiſſion of their officers.

Suttlers may ſell liquors in any quantities with the permiſſion of commanding officers.

Third.—The prohibition to sell less than one gallon of spirituous liquor is declared not to be applicable to suttlers in military cantonments, who may be permitted to sell any quantity of wine, spirits, or other liquors, to European non-commissioned officers or soldiers, with the permission of their commanding officers in writing.

Licenſes in what caſes to be forfeited.

Fourth.—Any European, or other shopkeeper, or dealer, licensed to sell foreign spirits under the provisions of this Section, who shall directly or indirectly sell or permit to be sold any such spirits in less quantities than one gallon, or shall sell or permit to be sold any such spirits or wine, or other spirituous or fermented liquor in any quantity whatever, to any European non-commissioned officer or private soldier, except with the permission in writing of the commanding officer of such non-commissioned officer or soldier, or who shall sell country arrack, or other spirituous or fermented liquors, the manufacture of the provinces under this Government, shall, on proof thereof to the satisfaction of the collector, be liable to the forfeiture of his license under the final orders of the Board of Revenue.

Puniſhment for vending without licenſe.

Fifth.—If any shopkeeper or dealer, amenable to the jurisdiction of the courts in the provinces, shall sell or traffic in foreign spirits without a license, either as a retail seller under the provisions of Regulation I, of 1820, or for the regulated sale of such spirits under the present Regulation, such person shall, on conviction of the offence before the criminal judge of the zillah in which he may have sold such liquor, be sentenced to pay such fine, not exceeding four hundred Madras rupees, as may appear adequate to his offence, the amount of such fine to be levied by distress and sale of the property of the offender.

III.

REGULATIONS

Passed by the Governor General in Council of *Bombay*, in the Year 1821.—N° 1. to IV.

A. D. 1821. REGULATION I.

A REGULATION to explain Regulation V, of 1820, and to empower the Court of Sudder Adawlut, constituted by such last-mentioned Regulation, to hear and determine appeals from judgments or determinations by the late Court of Appeal, which had been preferred to, or were pending in, the former Court of Sudder Adawlut at the time of passing the said enactment:—Passed by the Governor in Council, on the 2d May 1821, corresponding with the 1st of Vysack Sood Sumbut or Vikramajit Era 1877; Salbahan 1743; and 29th of Rujub 1236 of the Hijree.

Preamble. WHEREAS by Regulation V, 1820, passed by the Honourable the Governor in Council on the 20th November 1820, intitled, "A Regulation for abolishing the provincial court of appeal, and adapting the powers, &c. of the Sudder Adawlut to the change, and for removing the latter court from Bombay to the city of Surat," the provincial court of appeal instituted by Section III, Regulation II, 1805, was abolished, and such Section was rescinded, together with Regulation VI, 1812, and all such parts of the Regulations in force as relate to that court, and Regulations VII, of 1800, and VII, of 1812, were also rescinded, for the purpose of adapting the powers of the Sudder Adawlut to the change occasioned by the abolition of the said provincial court: And whereas at the time of passing the said Regulation V, 1820, certain appeals from the judgments and determinations of the said provincial court had been preferred to the court of Sudder Adawlut, or were pending therein, and certain suits were then also depending in the said provincial court, in which any parties who might be aggrieved by the judgment or determination of the said provincial court, had a right by the said rescinded Regulations VII, 1800, and VII, 1812, whilst the same continued in force, to appeal from such judgment or determination to the Sudder Adawlut: And whereas doubts have arisen whether it was competent for the court of Sudder Adawlut, as constituted under Regulation V, 1820, to hear and determine the said appeals then preferred to or pending in the court, or which might be preferred to it in suits then pending in the said provincial court; and whether the enactments of the said last-mentioned Regulations sufficiently provide for the said court of Sudder Adawlut proceeding in such appeals: And whereas it is expedient that such doubts should be removed, and that it should be declared to have been the original intention of the Honourable the Governor in Council to confer such authority on the said court, the following enactment has been passed:

The sudder adawlut empowered to try appeals from the late provincial court. II. The Sudder Adawlut, as constituted under the said Regulation V, 1820, have and shall have power and authority to hear and determine all appeals from any judgments or determinations of the said provincial court which had been preferred to, or were pending in the former court of Sudder Adawlut at the time of passing the said Regulation V, 1820, or which might have been preferred to it in any suit or suits then pending in the said provincial court, and the same shall be heard and determined by the court of Sudder Adawlut, as constituted under the said Regulation V, 1820, in as full and ample a manner as the court of Sudder Adawlut might have heard and determined the same before the passing of the said Regulation V, 1820, save and except as the proceedings in such appeals may have been

been modified by the enactments and provisions contained in such last-mentioned Regulation.

Regulations for the proper conducting of such appeals revived.

III. Regulation II, 1805, Regulation VI, 1812, Regulation VII, 1800, Regulation VII, 1812, and all other Regulations relating to the provincial court, which have been rescinded by the said Regulation V, 1820, are hereby revived as to all such parts and clauses of the said rescinded Regulations as contain any rules, provisions or powers necessary or requisite for the proceeding in the said appeals, and for the due hearing and determination thereof by the said newly constituted court of Sudder Adawlut, and shall continue in force and endure until all such appeals shall be brought to a conclusion by the newly constituted court of Sudder Adawlut, and no longer; subject nevertheless to such alterations and modifications respecting proceedings in appeals as have been made by the said Regulation V, 1820.

A. D. 1821. REGULATION II.

A REGULATION for amending Regulation X, of 1813, for the conduct of the trade with foreign nations at the ports and settlements of the British nation under the Presidency of Bombay:—Passed by the Honourable the Governor in Council, on the 23d May 1821, corresponding with the 6th Vysaik Vud, Sumbut or Vikramajit Era 1877; Salbahan 1743; and 20th Shaban, 1236 of the Hijree.

Preamble.

WHEREAS the rates of duty prescribed in Section V, clauses first and second, Regulation X, of 1813, have been evaded by foreign ships landing and receiving goods at the Portuguese ports of Goa, Demaun, and Diu, and trading thereafter in such articles so landed and received, between those settlements and the port of Bombay, by boats under British colours, the following enactment is passed, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, to be in force in the territories immediately dependent on this Presidency from the period of its promulgation:

Produce of Europe, China, or foreign states, imported from foreign European ports in India, liable to customs of four and half per cent. on an advance of sixty per cent. on the invoice cost; or, (the invoice cost unknown) seven and half per cent. ad valorem.

II. On all goods imported by boats or ships from from Goa, Demaun, Diu, or other foreign European ports in India, known to be the produce of Europe, China, any foreign, Asiatic, or other state, an advance of 60 per cent. shall be laid on the original invoice cost attested upon oath, and 4½ per cent. customs shall be levied on the aggregate amount. In cases where the invoice cost cannot be determined, 7½ per cent. ad valorem shall be collected.

Exports to the said ports ultimately intended for the said states, liable to three and half per cent. customs on the invoice cost.

III. On all goods exported under British or foreign colours to Goa, Demaun, Diu, or other foreign European ports in India, ultimately intended for Europe, China, or any foreign, Asiatic, or other state, 3½ per cent. customs shall be collected on the original invoice valuation, attested upon oath.

A. D. 1821. REGULATION III.

A REGULATION for rescinding Sections XI and XV, Regulation IX, 1816, and for making other provisions for the trial of persons charged with capital offences committed within the Fort and district of Anjar and their dependencies:—Passed by the Honourable the Governor in Council, on the 6th of June 1821, corresponding with the 6th Jest Sood, Sumbut or Vikramajit Era 1877; Salbahan 1743; and 5th Ramzan 1236 of the Hijree.

Preamble.

WHEREAS it has been found necessary, in consideration of the great extent of country over which a single puisne judge of the Sudder Fuojdaree Adalut is required to make his circuit, by Section XI, Regulation VII, 1820, to provide for the trial of persons charged with the commission of capital offences within the fort and district of Anjar and their dependencies, by forwarding such persons to the next most convenient station where a court of jail-delivery is held, the Honourable the Governor in Council has been pleased to enact the following rules:

II. Sections

II. Sections XI, and XV, Regulation IX, 1816, are hereby rescinded.

Sections XI, & XV, Regulation IX, 1816, rescinded.

III. Upon a complaint being preferred to the magistrate of Anjar, against any person or persons for a crime of a capital nature, the magistrate shall proceed against the party accused in the manner prescribed by the general regulations, subject to the following modifications:

Magistrate how to proceed on charges for offences of a capital nature.

IV. If it shall appear to the magistrate that the crime has actually been committed, and that there is evidence of the person accused having been concerned in the perpetration of it, the magistrate shall, according to the circumstances stated in the next succeeding Section, either forward the prisoner forthwith, together with his proceedings, to the criminal judge of Surat, accompanied by all the witnesses for the prosecution, and also by such others as the prisoner may desire should be called in his behalf (whom the magistrate shall be careful to ascertain by inquiry of the prisoner), or he shall keep the prisoner for a time in safe custody, to be afterwards sent to Surat, as hereunder provided.

Either to send the prisoner and witnesses forthwith to Surat, or to retain the former in safe custody for a time.

V. The quarterly jail-deliveries for the city and zillah of Surat being held on the first of the months of January, April, July and October of each respective year, the magistrate of Anjar, in the transmission of prisoners and witnesses, will be guided as to the time for their conveyance, which shall be made by sea, by duly referring to the above dates, and regulating the departure of prisoners and witnesses, so that they may be received by the criminal judge of Surat a few days previous to the quarterly jail-deliveries for that city and zillah, held on the first of the months of October, January and April of each year; the object of this rule being to provide for one attendance of witnesses at Surat, in such cases being sufficient; and also for avoiding the necessity of sending prisoners and witnesses from Anjar during the monsoon.

How the magistrate shall regulate the time for forwarding prisoners and witnesses.

VI. The criminal judge of Surat, on the receipt of a prisoner from the magistrate of Anjar shall proceed according to the general regulations, and bring him to trial before the next quarterly court of jail-delivery for the city and zillah of Surat.

The criminal judge of Surat to bring the prisoners to trial before the quarterly court of jail-delivery.

A. D. 1821. REGULATION IV.

A REGULATION directing holders of Lands, subject to quit and ground-rents in the Island of Bombay, to give notice of the sales or transfers of such properties to the Collector of that Island, within a certain period:—Passed by the Honourable the Governor in Council, on the 1st of August 1821, corresponding with the 3d of Shravan Sood Sumbut or Vikramajeet Era 1877; Salbahan 1743; and 2d of Zilkaad 1236 of the Hijree.

WHEREAS great inconvenience and delays in the collection of certain quit and ground-rents to be levied within the town and island of Bombay, heretofore made or imposed by or under the authority of the Government of Bombay, have been experienced by reason of the proprietors of lands, houses and tenements, assessed to such quit and ground-rents, selling or transferring the same to other persons, without notifying such sales or transfers to the collector of Bombay, the Honourable the Governor in Council has enacted the following rules for remedy thereof:

Preamble.

II. Whenever any of the lands, houses or tenements, subject to such quit and ground-rents, shall be sold or transferred, the person or persons so selling or transferring the same, and the person or persons to whom the same shall be sold or transferred, shall respectively cause notice thereof to be given to the said Collector of Bombay, within twenty days after such sale or transfer shall be completed; and every person or persons who shall become the proprietors, or shall come into possession of any such lands, houses or tenements, by succession, inheritance or devise, shall cause notice thereof to be given within twenty days after the decease of the last proprietor; and every person neglecting to give such notices, on conviction thereof upon the oath of one or more credible witness or witnesses, or by confession before the said Collector, or before one of His Majesty's Justices of the Peace, shall forfeit and pay the sum of rupees ten; and in case such penalty shall not be forthwith paid, it shall be lawful for such collector, or such justice, to levy the same by distress and sale of the goods and chattels of such person or persons, or to commit such

Notice of sale or transfer of lands to be given to the collector within twenty days after their completion, and of inheritance or devise within twenty days after the death of the last proprietor.

On pain of a fine of ten rupees on conviction of the neglect before the collector or justice of the peace.

Fine to be levied by distress or imprisonment, in case of non-payment.

such person or persons to the gaol of Bombay, to remain there for a period not exceeding ten days, unless such penalty shall be sooner paid; and every person selling or transferring such lands, houses or tenements, without giving such notice, shall be liable, moreover, for such neglect, to the payment of the said quit and ground-rents till such notice shall be given.

RULE, ORDINANCE, AND REGULATION I. OF 1821.

A RULE, Ordinance, and Regulation, for modifying the provisions of Rule, Ordinance and Regulation I, of 1820, relating to Ballast for ships:—Passed by the Honourable the Governor in Council of Bombay, on the 25th of July 1821, and registered in the Honourable the Court of Recorder of Bombay, under date the 27th of August 1821.

Preamble.

WHEREAS the Honourable the Governor in Council of Bombay having resolved, on the expiration of the present contract for the supply of Ballast, not to make or enter into any such contract in future, it is expedient, for the better preservation of the port and harbour of Bombay, to extend and enlarge certain provisions and rules contained in Rule, Ordinance and Regulation I, 1820, intitled, "A Rule, "Ordinance and Regulation, for establishing an effective control over the shipping "resorting to the port of Bombay; for preventing the desertion of the crew of ships, "the European soldiers of the garrison offering themselves as seamen, and for the "better security of the harbour and dock-yard of Bombay;" Be it therefore enacted, and ordained by the Honourable the Governor in Council, in virtue of the power conferred upon him by an act, passed in the forty-seventh year of his late Majesty King George the Third, "intitled, "An Act for the better government of the "settlements of Fort St. George and Bombay," that from and after the thirty-first day of October in the year of our Lord one thousand eight hundred and twenty-one, and after the due publication and registry of this Rule, Ordinance and Regulation, in the court of the Recorder of Bombay, it shall not be lawful for any person to take or carry away, or to break or blow up, or to cause or procure to be taken or carried away, broken or blown up, any rocks or stones, from, in, or upon any part of the rocky ground lying and being to the southward of a line drawn due east and west of the Light House on Colabah; nor from, in, or upon any part of the rocks or islands in the said harbour of Bombay, called respectively the Oyster Rock, and Gull Island; and that every person or persons so offending, and being thereof convicted upon the oath of one or more credible witness or witnesses, before two of His Majesty's justices of the peace, shall for every such offence forfeit and pay any sum of money not exceeding (400) four hundred rupees; and in case any such penalty shall not be forthwith paid, it shall be lawful for such justices to commit the person or persons to the gaol of Bombay, to remain there for a period not exceeding two months, unless such penalty shall be sooner paid.

Prescribing the limits in the harbour from which ballast is to be taken.

Penalty.

II. And be it further enacted, that the chief engineer and collector of Bombay for the time being, shall have power and authority from time to time to grant permission in writing, to any person or persons, to procure ballast for ships or vessels from any other place or places on the shores of Bombay, Colabah, Old Woman's Island, Mazagon, Mahim, Bandorah, Worley, Breach, Malabar Hill, on the shores of the Islands of Caranjah, or Elephanta, of Butcher's Island, and Hog Island; and to break or blow up any stones or rocks in such place or places, and to take and carry away such rocks or stones for the purpose of ballast as aforesaid: provided always, that such permission in writing shall specify the place or places where such ballast is to be procured; and the time for which such permission shall remain in force: and in case any person or persons, not having obtained such permission, shall break or blow up, take or carry away, or cause or procure to be broken or blown up, taken or carried away, any rocks or stones in or upon or from the said places, every person or persons so offending, and being thereof convicted upon the oath of one or more credible witness or witnesses before two of His Majesty's justices of the peace, shall for every such offence forfeit and pay any sum of money not exceeding (200) two hundred rupees; and in case any such penalty shall not be forthwith paid, it shall be lawful for such justices to commit the person or persons

The permission to specify the place from whence it is to be taken.

Penalty.

to the gaol of Bombay, to remain there for a period not exceeding one month, unless such penalty shall be sooner paid.

III. And be it further enacted, that no stones or ballast whatever shall be put or deposited within the dock-basin, upon pain, that every person or persons so offending, and being thereof convicted upon the oath of one or more credible witness or witnesses, before two of His Majesty's justices of the peace, shall, for every offence forfeit and pay any sum of money not exceeding (200) two hundred rupees; and in case any such penalty shall not be forthwith paid, it shall be lawful for such justices to commit the person or persons to the gaol of Bombay, to remain there for a period not exceeding one month, unless such penalty shall be sooner paid.

Prohibiting ballaft being put within the dock-bafin.

Penalty.

IV. And be it further enacted, that all penalties to be incurred under this Rule, Ordinance and Regulation, shall be recovered in the manner directed by the said recited Rule, Ordinance and Regulation I, 1820.

Mode of recovering the above penalties.

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

REGULATIONS

PASSED BY THE GOVERNMENTS

OF

BENGAL AND FORT ST. GEORGE,

IN THE YEAR

1822.

(Presented in pursuance of Act 53 Geo. III. c. 155, sec. 66.)

INDIA OFFICE LIBRARY

Ordered, by The House of Commons, *to be Printed,*
11 *March* 1824.

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II.—FORT ST. GEORGE - - - - - - - pp. 50—69

REGULATIONS Passed by the Governments of India in the Year 1822 :— Presented to the Honourable the House of Commons, in pursuance of an Act of Parliament of the 53 Geo. III. c. 155, sec. 66 ;—Viz.

I.—By the Governor General in Council of BENGAL, in the Year 1822 ;

N° I. to XI.

Regulation.

I.—For amending Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809 :— Passed on the 18th January 1822 - - p. 5

II.—For modifying certain Provisions in the existing Regulations relative to the Officers employed in the collection of Government Customs and Town Duties: Passed on the 19th March 1822 - - p. 6

III.—For modifying the constitution, and altering the jurisdiction of the several Boards vested with the superintendence of the Land Revenue, in the territories belonging to the Presidency of Fort William :— Passed on the 19th March 1822 - - p. 7

IV.—To provide for the more effectual administration of Criminal Justice in certain cases :— Passed on the 29th March 1822 - - p. 9

V.—For amending certain provisions of Regulation IX. 1808 :— Passed on the 13th June 1822 - - p. 10

VI.—To establish a Court of Wards for Benares, and to define and explain certain of the rules regarding the powers and jurisdiction of the several Courts of Wards :— Passed on the 1st of August 1822 - - p. 11

VII.—For declaring the principles according to which the settlement of the Land Revenue in the ceded and conquered provinces, including Cuttack, Puttaspore and its dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other Officers employed in making, revising or superintending settlements ; for continuing, with certain exceptions, the existing leases within the said provinces for a further term of five years ; for defining, settling and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof ; and for vesting the Revenue authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent and produce of land :— Passed on the 8th August 1822 - - p. 12

VIII.—To declare that persons charged with crimes and misdemeanors must ordinarily be brought to trial at the foujdaree court or sessions of the district in which such crimes or misdemeanors may be perpetrated, and to vest the Governor General in Council and the Nizamut Adawlut with a discretionary power as to the place of trial :— Passed on the 12th September 1822 - p. 29

IX.—To extend the rules of Regulation V. 1809, and of Section VI. Regulation I. 1822, to emigrants from foreign states, and other aliens settled in the British territories, or living and residing therein for a period of six months and upwards ; also to provide for the execution, by Zillah and City Magistrates, of sentences passed by tribunals established by Government in countries not subject to the general Regulations :— Passed on the 19th September 1822 - p. 31

X.—For exempting the Garrow mountaineers, and other rude tribes on the north-eastern frontier of Rungpore, from the operation of the existing Regulations, and for establishing a special system of Government for the tract of country occupied by them, or bordering on their possessions :— Passed on the 19th September 1822 - p. 32

XI.—For modifying and explaining the existing Regulations relative to the sale of land for the recovery of arrears of Revenue ; for declaring Government not to be liable for any errors or irregularities in the proceedings of the courts of justice ; and for making further provision for the conduct of the Revenue Officers in certain cases :— Passed on the 22d November 1822 - p. 35

II.—By the Governor in Council of Fort St. George, in the Year 1822;

N° I. to IX.

Regulation.

I.—For the more exemplary punishment of robbery by open violence:—
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II.—To provide for the more effectual administration of Criminal Justice in certain cases; and to alter certain provisions of the Regulations now in force:—
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III.—For extending the operation of Regulation VII. of 1818:—
Passed on the 28th May 1822 - - p. 53

IV.—Declaring the true intent and meaning of Regulations XXV. XXVIII. and XXX. of 1802, so far as they relate to the rights of the actual cultivators of the soil:—
Passed on the 12th July 1822 - - - p. 54

V.—For vesting in Collectors, authority to take primary cognizance, in certain cases, of suits cognizable summarily by the Zillah Courts, under Regulation XXVIII. and XXX. of 1802; and otherwise modifying the provisions of those Regulations; for rescinding Regulation XXXII. of 1802; and for vesting in Collectors, the summary cognizance of cases which under that enactment were cognizable by the Zillah Courts; and for authorizing Collectors to refer all such suits to Punchayets for decision; and for extending the provisions of Regulation XII. of 1816:—
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VI.—For extending the powers of the Criminal Judges and of the Courts of Circuit in the trial of persons charged with breaking into houses and other places of habitation, or into warehouses or other places used for the custody of property, with an intent to steal; or charged with theft, or with buying or receiving stolen property knowing the same to have been stolen; or charged with escape from jail or other place of confinement:—
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VII.—For rescinding Regulation I. of 1809, and Regulation V. of 1811, and for declaring that the appointment and removal of the native public servants of Government shall be regulated by such orders as the Governor in Council may from time to time see fit to issue:—
Passed on the 12th July 1822 - - p. 62

VIII.—To rescind Regulations III. of 1809; II. of 1810; and VI. of 1818; and to make provision for the investigation of the conduct of the Public Officers of Government, European or Native, when necessary, in the way which in each particular case may be deemed most convenient:—
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IX.—For empowering Collectors to take primary cognizance of cases of malversation in revenue affairs; for prescribing the rules to be observed in such investigations, and in the recovery of money embezzled or corruptly received by public servants and others amenable to the Collectors jurisdiction; for providing for the admission and trial of appeals from the summary decisions of Collectors in such cases; for declaring the powers of Criminal Judges and Courts of Circuit in the punishment of the offences specified in this Regulation; and for rescinding Regulation XXXIII. of 1802:—
Passed on the 20th December 1822 - - p. 63

No Regulations have been received from the Governor in Council of Bombay, of the Year 1822.

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*, in the Year 1822. N° I. to XI.

A. D. 1822. REGULATION I.

A REGULATION for amending Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809:—Passed by the Governor General in Council on the 18th January 1822; corresponding with the 6th Maug 1228 Bengal era; the 11th Maug 1229 Fussly; the 7th Maug 1229 Willaity; the 11th Maug 1878 Sumbut; and the 23d Rubee-us-Sanee 1237 Higeree.

WHEREAS it has been deemed advisable that persons engaged in affrays, and native subjects of the British Government, committing criminal offences in places out of the limits of the British provinces, should in cases of minor importance, and of an unaggravated nature, be declared punishable by the magistrates, without commitment to the Courts of Circuit; and whereas Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809, have been held to place the punishment of such offenders beyond the competence of the magistrates, and to render their commitment for trial to the Courts of Circuit indispensable; the following rules have been enacted, to be in force throughout the British territories immediately subject to the Government of the Presidency of Fort William, from the date of their promulgation. Preamble.

II. Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809, are hereby amended. Regulations amended.

III. All persons charged with being concerned in affrays as defined in Regulation XLIX. 1793, and Regulation XXXII. 1803, shall, upon due proof of the offence, provided the affrays be unattended with homicide, severe wounding, or other aggravating circumstance, be punishable by the magistrate or joint magistrate of the district in which the affray may have occurred, without commitment to the Court of Circuit. Affrays punishable by the Magistrate under certain restrictions.

IV. In awarding punishment in such cases, the magistrate or joint magistrate shall not exceed the powers vested in him by Section XIX. Regulation IX. 1807; nor shall it in any case of affray be competent to a magistrate or joint magistrate to award corporal punishment; nor shall a magistrate refer any such case for examination and decision to his assistant, unless such assistant shall be invested with the special powers designated in Section II. Regulation III. 1821. Rules for awarding punishment in such cases. Not referrible to assistants.

V. In all cases of affray attended with homicide, severe wounding, or other aggravating circumstance, the magistrate or joint magistrate shall, as heretofore, bring the offenders to trial before the Court of Circuit, committing them to prison, or enlarging them upon bail, as the circumstances of each case may appear to require. All cases of affray not punishable by Magistrate, to be disposed of as heretofore.

VI. All native subjects of the British Government, as specified in Regulation VIII. 1813, who may commit a crime or a misdemeanor in places out of the limits of the British provinces, shall, after the receipt of the sanction of the Governor General in Council, required by Regulation V. 1809, be tried and punished or acquitted Magistrates vested with power to proceed in all offences committed by Native subjects of Government out of the

limits of the British provinces, in the same manner as in similar offences committed within those limits.

acquitted by the magistrate or joint magistrate, or be committed for trial before the Court of Circuit, according to the nature and circumstances of the offence, in the same manner as if the offence had been committed within the limits of the British territories.

A. D. 1822. REGULATION II.

A REGULATION for modifying certain provisions in the existing Regulations relative to the Officers employed in the collection of the Government Customs and Town Duties:—Passed by the Governor General in Council on the 19th of March 1822, corresponding with the 7th Chyte 1228 Bengal era; the 12th Chyte 1229 Fusly; the 8th Chyte 1229 Willaity; the 11th Chyte 1878 Sumbut; and the 24th Jumadee-us-Sanee 1237 Higeree.

Preamble.

WHEREAS it has appeared expedient to place the sea and land departments of the Calcutta customs under two distinct officers, to be denominated, the one, collector of sea customs, the other, collector of inland customs: And whereas it is expedient that the Governor General in Council should exercise the power of appointing, by an order in council, such officer or officers as he may deem fit to exercise the whole or any part of the duties and authority vested by the existing Regulations in collectors of customs and their deputies, the following rules have been enacted, to be in force from the date of their promulgation.

Parts of Regulations IX. and X. of 1810, and other Regulations, imposing restrictions on the appointment of Officers for the collection of Government Customs and Town duties, rescinded.

II. *First.*—So much of Section VI. Regulation IX. of 1810, Sections IV. and XXVI., Regulation X. of 1810, as prescribes the appointment of the officers therein mentioned, to exercise the duties vested by those Regulations in collectors of customs and town duties, together with all other provisions of the existing Regulations, which restrict or can be construed to restrict the Governor General in Council in the appointment of officers to the exercise and performance of the said powers and duties, are hereby rescinded.

Power reserved to the Governor General in Council to appoint any number of officers, being covenanted servants, to collect the duties of Government Customs and Town duties, and they to have the full power now exercised by Collectors or deputy Collectors.

Second.—It shall and may be competent to the Governor General in Council, by an order in Council, to appoint such and as many officers, being covenanted servants of the Honourable Company, as he may from time to time deem proper, to collect the duties of government customs and town duties, or such items thereof as the said Governor General in Council may deem proper, and the officers so appointed shall possess and exercise in regard to the duties, the collection of which may be intrusted to them, and to all persons and things chargeable with or liable to the said duties, as well as in respect to all forfeitures, defaults, suits, investigations and processes relating to such duties, or the collection thereof, or to the subordinate officers employed in the collection or custody of the said duties, or the articles chargeable therewith, all such powers and authorities as may or shall be legally exercised by collectors, or deputy collectors, under the Regulations which are now in force, or which may be hereafter enacted, subject to the same rules and provisions as may or shall apply to the collectors and deputy collectors aforesaid.

The Governor General in Council may vest any covenanted servant with part of the powers and authority now exercised by the Collectors of Customs and Town duties.

Third.—It shall likewise be competent to the Governor General in Council, by an order in Council, to vest any officer or officers, being covenanted servants of the Company, whether employed in collecting the customs and town duties or not, with such part of the powers and authority usually possessed and exercised by collectors of customs and town duties, as he may from time to time judge to be proper.

The Governor General in Council alone shall be competent to pass orders in regard to the disposal of the proceeds of goods confiscated, or of the fines or penalties incurred by a breach of the Custom Regulations.

Fourth.—It shall also be competent to the Governor General in Council to pass such orders as may from time to time appear proper, in regard to the disposal of that part of the proceeds of goods confiscated, or of the fines or penalties incurred by a breach of the custom regulations, which under the provisions of the existing regulations is assigned to the collectors of customs, or other covenanted servants of the East India Company.

A. D. 1822. REGULATION III.

A REGULATION for modifying the constitution, and altering the jurisdiction of the several Boards vested with the superintendence of the Land Revenue, in the territories belonging to the Presidency of Fort William :—Passed by the Governor General in Council on the 19th March 1822, corresponding with the 7th Choite 1228 Bengal era, the 12th Choite 1229 Fussily; the 8th Choite 1229 Willaity; the 11th Choite 1878 Sumbut; and the 24th Jamudu Sany 1237 Higeree.

Preamble.

WHEREAS the superintendence of the Dehlee territory has recently been vested in the Board of Commissioners for the ceded and conquered provinces, and for this and other causes it has become necessary to relieve the said Board from the charge of a portion of the districts now under their control: And whereas it is also desirable to modify the constitution and alter the jurisdiction of the several Boards intrusted with the management of the land revenue, the following rules have been enacted, to be in force from the date of their promulgation.

Provisions of Regulations rescinded.

II. *First.*—Sections XXVIII, XXIX, XXXIV, XXXV, XLIX, L, LI, LII, LIII, LIV, LV, LVI, LVII, LVIII, LIX, LX, LXI, LXII, LXIII, LXIV, LXV, LXVI, LXVII, LXVIII, LXIX, and LXX, Regulation II, 1793, Section XXVI, Regulation V, 1795, and Section XXVII, Regulation XXV, 1803, are hereby rescinded.

Further provisions rescinded.

Second.—Regulation I, 1816, Regulation I, 1817, and Sections II. and III, Regulation XXIV, 1817, are hereby rescinded.

Bhaugulpore and Purneah transferred from the jurisdiction of the Board of Commissioners for Behar and Benares to the Board of Revenue, which is to be called the Board of Revenue for the Lower Provinces.

III. *First.*—The duties, powers, and authority at present exercised by the Board of Commissioners in Behar and Benares, within the districts of Bhaugulpore and Purneah, shall from and after the 1st of May next be vested in the Board of Revenue, which shall continue to possess, exercise, and perform the duties, powers, and authority now belonging to them in the districts subordinate to their authority, and shall hereafter be denominated the Board of Revenue for the Lower Provinces.

The north and south divisions of Bundlecund, with Zillahs Allahabad & Cawnpore, transferred from the Board of Commissioners in the ceded and conquered provinces to the Board of Commissioners for Behar and Benares, which is to be called the Board of Revenue for the Central Provinces.

Second.—The duties, powers, and authority at present exercised by the Board of Commissioners in the ceded and conquered provinces within the southern and northern divisions of Bundlecund, and the districts of Allahabad and Cawnpore, shall from and after the said date be vested in the Board of Commissiones in Behar and Benares, which shall continue to possess, exercise, and perform the duties, powers, and authority now belonging to them in the districts at present subordinate to them, save as above provided, and shall be hereafter denominated the Board of Revenue for the Central Provinces.

The remaining districts of the ceded and conquered Provinces to continue as heretofore, subordinate to the Board of Commissioners, which Board is to be denominated "The Board of Revenue for the Western Provinces."

Third.—The several districts of the ceded and conquered provinces, with the exception of the districts above specified, shall continue as heretofore, subordinate to the Board of Commissioners, which Board shall hereafter be denominated the Board of Revenue for the Western Provinces.

Power reserved to the Governor General in Council in appointing Members to the Boards.

IV. *First.*—The said Boards shall each of them consist of such number of members as the Governor General in Council may from time to time appoint.

Sittings of the Boards ordinarily to be daily.

Second.—The said Boards shall ordinarily sit daily (Sundays and holidays excepted) for the transaction of public business.

Boards to be guided in regard to the form of their proceedings, in cases where no special Regulations exist, by the orders of Government.

Third.—In regard to the form of their proceedings, they shall be guided in all cases, not specifically provided for in the existing Regulations, by such orders as the Governor General in Council may from time to time issue; and it shall be competent to the Governor General in Council to fix the sudder stations of the several Boards at such places within the territories belonging to this Presidency, whether the operation of the general code of regulations may or may not extend to the same, as from time to time may be deemed expedient,—any thing in the existing regulations to the contrary notwithstanding.

Power reserved to the Governor General in Council in fixing the sudder stations of the Boards.

Governor General in Council declared competent to authorize when neceſſary a ſingle Member of any Board to exerciſe all the duties veſted in the Board collectively.

V. *First.*—It shall be competent to the Governor General in Council, by an order in Council, to authorize a single member of any of the said Boards to exercise, either generally or locally, all the duties, powers and authority which are vested in the Board collectively, whenever circumstances may render such an arrangement desirable. It shall further be competent to the Governor General in Council similarly to authorize the several members of the said Board, separately to exercise at the same time, and within the same limits, such part of the said duties, powers and authority, as it may from time to time be judged proper to assign to each respectively, whenever for the greater dispatch of business, or other cause, it may appear advisable to divide the business of the Board, or to assign any special duty to any member separately: provided, however, that if a member exercising singly, as above, the duties, powers and authority of the Board, or any part thereof, shall in any case be of opinion that any decision or order of a collector ought to be reversed or altered, he shall not pass any final order on the case without the concurrence of one or more of the other members, unless otherwise specially directed and authorized by Government; provided further, that it shall not be competent to a single member of a Board to reverse or alter a decree or order passed by any other member; provided also, that no settlement of the land revenue, whether in perpetuity, or for a term of years, shall be or be held final and binding upon Government, unless the same shall have been formally confirmed by the Governor General in Council.

And to authorize the ſeveral Members ſeparately to exerciſe at the ſame time ſuch part of the duties as may appear requiſite for the greater diſpatch of buſineſs or other cauſe.

Proviſo—no ſingle Member to reverſe or alter a Collector's order.

Except authorized by Government, nor to reverſe or alter a decree or order paſſed by any other Member.

No ſettlements whether temporary or perpetual to be binding, unleſs confirmed by the Governor General in Council.

Rule defining the courſe of proceeding in caſes where a difference of opinion may ariſe.

Second.—Whenever two members of a Board shall jointly or separately have considered any question, if a difference of opinion shall arise between them, the decision of the question shall be postponed, and the case shall be referred to a third member, permanent or provisional, in such mode as may from time to time be directed by Government, and shall be determined according to the majority of voices.

A ſingle member, when veſted with ſeparate authority, declared competent to proceed in the ſame mode as the Board collectively are authorized in regard to the appointment, removal, or puniſhment of Collector's native officers.

Third.—In regard to the appointment, removal, or punishment of the native officers of collectors of land revenue, or other functionaries subordinate to the Boards, a single member vested as above with authority separately to exercise the powers of the Board, or any part thereof, shall, within the limits of his authority, be competent to proceed in the same manner as the Board collectively are authorized to proceed: Provided that in any such case, if a member of the Board acting singly shall differ in opinion from a collector or other functionary immediately subordinate to them, he shall not, unless otherwise specially authorized by Government, pass any final order without the concurrence of one or more members of the Board.

Proviſo in caſes where a difference of opinion may ariſe.

Two members neceſſary to appoint, remove, or puniſh officers of the Board, unleſs authorized by Government.

Fourth.—No final orders regarding the appointment, removal, or punishment of officers belonging or immediately subordinate to the Board, shall (unless otherwise specially directed by the Governor General in Council) be issued without the concurrent judgment of two or more members.

Single members, when veſted with ſeparate authority, declared competent to ſuſpend any officer.

Fifth.—Single members exercising separate authority as above shall be competent to suspend any officer under their authority, in like manner as the Board collectively may do; but all orders regarding the suspension of any such officer, passed by a single member, unless in confirmation of an order or recommendation of a collector, or other intermediate authority, or unless specially authorized by the Governor General in Council, shall be reported without loss of time to some other member, and shall be liable to be set aside by the decision of a majority of the Board.

But the order for ſuch ſuſpenſion, unleſs in ſpecial caſes, to be reported to ſome other member of the Board, who if a majority agree, may ſet it aſide.

Board when applied to may reviſe, reſcind and alter their deciſions, provided that ſuch applications be made within three months, or ſufficient cauſe ſhown for delay.

Sixth.—The Boards are authorized to review, rescind, alter or confirm, any order and decision passed by them collectively, or by any members exercising, as above, separate authority, if an application to that effect be made to them by any party interested in the case, within the period of three months from the date on which the order or decision may have been passed, or good and sufficient cause shown for a further delay, and if from the documents exhibited, the case shall appear to merit further investigation. But no order or decision passed by a single member exercising separate authority shall be reversed, altered or staid, excepting on the concurrent judgment of two or more members.

Orders or deciſions paſſed by a ſingle member when veſted with ſeparate authority, not to be reverſed or altered unleſs two or more members concur.

Proviſions in caſes when the members of the Board differ

Seventh.—To provide for cases wherein the members of the Board shall not agree in opinion, as to the decision or order to be passed in any case, and wherein the voices

voices on each side may be equal, it shall be competent to the Governor General in Council to appoint one or more temporary or provisional members, who shall, in regard to the investigation and determination of the questions so in dispute, have and exercise the same powers and authority as if they ordinarily belonged to the Board; and if a difference of opinion as aforesaid shall arise between two members of the Board holding joint sittings, at any place where a temporary or provisional member may be stationed, the other permanent member or members of the Board being absent, it shall and may be lawful for them, without reference to such absent member, to submit the question in dispute to the provisional member, and to issue orders in conformity with the opinion which he may support.

in opinion and the voices on each side are equal.

A. D. 1822. REGULATION IV.

A REGULATION to provide for the more effectual administration of Criminal Justice in certain cases:—Passed by the Governor General in Council on the 29th March 1822, corresponding with the 17th Choite 1228 Bengal era, the 22d Choite 1229 Fussily; the 18th Choite 1229 Willaity; the 7th Choite 1879 Sumbut; and the 4th Rajeeb 1237 Higeree.

THE Regulations in force containing no provision for enabling the Judges of the Nizamut Adawlut to acquit a prisoner, notwithstanding his conviction by the futwa of their law officers, and certain distinctions of the Mahomedan law, evidently repugnant to the principles of equal justice, not having been hitherto rectified by any special enactment, the following rules are accordingly enacted, to provide for the cases referred to.

Preamble.

II. Whenever two or more Judges of the Nizamut Adawlut, on a deliberate consideration of any futwa of their law officers, convicting a prisoner, may consider such prisoner to have been convicted on insufficient or unsatisfactory evidence, it shall be competent to the said Judges to acquit the prisoner.

Power vested in two or more judges of the Nizamut Adawlut to pass sentence of acquittal, notwithstanding a futwa of conviction by the law officers of that court.

III. In all cases of murder, mutilation, or severe personal injury, in which the heir of the slain, or the person injured, may refuse to prosecute, the law officers of the Nizamut Adawlut shall be called on to declare what the futwa would have been in the event of their having prosecuted; and the Judge or Judges sitting on such trial shall pass sentence under the general Regulations, and on a consideration of all the circumstances of the case, the same as if the parties had come forward to prosecute.

How the judges are to proceed, in cases when the heir of a slain or injured person may refuse to prosecute.

IV. The circumstance of supervening insanity, subsequent to the perpetration of a crime, at a time when no degree of derangement existed, and prior to the conviction of the prisoner for such crime, having been declared by the law officers, in a case of murder, to bar all capital or discretionary punishment, and to subject such person to Deyut only in all such cases, viz. of a prisoner being afflicted with insanity subsequent to the commission of any crime, and of his subsequent perfect recovery, the law officers of the Nizamut Adawlut shall be called on to declare, what the futwa would have been, if such derangement had not intervened, and the Judge or Judges sitting on the trial shall pass sentence under the general Regulations, and on consideration of all the circumstances of the case, the same as if no such malady had happened to the prisoner.

How the judges are to proceed, in the case of a prisoner who, subsequent to the perpetration of a crime and prior to conviction, may exhibit symptoms of derangement.

V. It having been found, that, in certain cases of murder, the justificatory plea, that the person murdered was the mistress or relation of the prisoner, and detected in criminal intercourse with another man, or that the murdered man was found in criminal intercourse with the prisoner's mistress or relation, or, generally speaking, detected in fornication, has been upheld by the law officers in bar of capital or discretionary punishment, and has been declared to subject such prisoner to Deyut only, it is hereby enacted, that the law officers of the Nizamut Adawlut shall be called on to declare in such cases what the futwa would have been if such plea had not existed, and the Judge or Judges sitting on the trial shall pass sentence under the general Regulations, and on consideration of all the circumstances of the case, the same as if no such plea had existed.

Judges how to proceed in cases when circumstances occur which the law officers consider justificatory, and plead them in lieu of capital or discretionary punishment.

VI. In many cases of corporal injury, extending even to Mayhem, it has been found that the law officers, on the full conviction of the prisoners, declare them liable to

Courts of Circuit and Nizamut Adawlut how to proceed,

in cafes when prifoners for certain offences are declared by the law officers liable to Hukoomuti Adul only.

to Hukoomuti Adul only, or a just award, which is construed by them to mean, payment by the prisoner of the expences incurred for medicines and medical attendance by the party injured; and such reparation being considered wholly inadequate, it is hereby enacted, that the Judges of Circuit shall, under such futwa, be competent to pass sentence of imprisonment for any period not exceeding seven years, with power to refer the record to the Nizamut Adawlut, in any case in which they may deem that degree of punishment inadequate; and on the receipt thereof the Nizamut Adawlut, after requiring a further futwa from their law officers, shall pass sentence of imprisonment for such limited period of time, as under all the circumstances of the case may be equitable and just.

The provifions contained in Section IV, Regulation XVII, extended to cafes in which a futwa of the law officers may declare the legal punifhment barred by doubts of the prifoner's fanity when he committed the act charged.

Provifo.

VII. It is hereby declared, that the rule contained in Section IV. Regulation XVII. 1817, empowered two or more Judges of the Nizamut Adawlut to convict and punish a prisoner charged with a criminal offence, in opposition to the acquittal of their law officers, shall be considered to extend to any case in which the futwa of the law officers of the Nizamut Adawlut may declare the legal penalty, or punishment generally, barred by reason of a doubt as to the prisoner's sanity when he committed the act charged; provided two or more Judges of the Nizamut Adawlut, on due consideration of the evidence in such case, shall be satisfied that there is no sufficient ground to believe that the prisoner was insane when he committed the act so charged, and that he is a proper object of punishment.

A. D. 1822. REGULATION V.

A REGULATION for amending certain provisions of Regulation IX. 1808. Passed by the Governor General in Council on the 13th June, 1822; corresponding with the 32d Jeyte 1229 Bengal era; the 9th Jeyte 1229 Fussily; the 1st Assar 1229 Willaity; the 9th Jeyte 1879 Sambut; and the 22d Ramzan 1237 Higeree.

Preamble.

THE rules of Regulation IX. of 1808, provide, with respect to any person proclaimed under the third Section on a charge of Dekoity, that if such person do not surrender himself, or appear before the local magistrate, within the period limited in the proclamation, he shall, on the fact of contumacy being established, be presumed guilty of the crime (dekoity,) with which he is charged, and in consequence be liable to a sentence of imprisonment and transportation for life.—The rules of the Regulation in question require expressly that the individual should be brought to trial on the charge of contumacy, and they further recite and declare, that he may be also brought to trial for any specific offence other than that for which he was proclaimed. It however has been found that in some instances in which the proclamation has been resorted to against persons charged with dekoity, such persons, by having been adjudged guilty of the contumacy, and sentenced to the extent autho rized by Regulation IX. 1808, viz. transportation for life, have thereby escaped a capital sentence, which was apparently called for by reason of the dekoity they were presumed to have been concerned in having been attended with murder. It has accordingly been deemed advisable to declare that any person proclaimed for dekoity under the provisions of Regulation IX. 1808, may be brought to trial for the crime for which he was proclaimed, and not for the contumacy, if it shall appear advisable so to proceed against him.—The following Rules have been accordingly enacted, to be in force from the date of their promulgation.

Parts of Regulation IX. 1808, modified.

II. *First.*—Sections III. VI. VII. VIII. and X. of Regulation IX. 1808, are hereby modified as follows.

Proclaimed perfons declared liable to be tried on the original charge, as well as for contumacy in not furrendering on proclamation.

Second.—It is hereby declared, that, in the case of any individual proclaimed under the provisions of Regulation IX. 1808, the fact of his being guilty of contumacy in not appearing within the period limited in the proclamation, shall not prevent his being brought to trial on the charge which led to the proclamation, and being proceeded against on such a charge according to the Mahomedan law and regulations, if it shall appear advisable that he be brought to trial on such charge, and not for his contumacy in not appearing to answer to it.

Option vefted in the Superintendent of Police in fuch cafes.

III. It shall rest with the Superintendent of Police, on communication from the Magistrate, to decide on which of the two charges, viz. the contumacy, or the original offence, a proclaimed person shall be brought to trial.

IV. If

IV. If a proclaimed person shall have been brought to trial for the contumacy, and acquitted on that charge, there shall, in the case of such acquittal, be no bar to his being brought to trial *de novo* for the offence on account of which he was proclaimed; but in the case of such person being brought to trial for the offence on account of which he was proclaimed, and acquitted on that charge, he shall not be liable to any trial *de novo* for the contumacy.

Proclaimed persons when tried for contumacy and acquitted, declared liable to be tried *de novo* on the original charge, but not *vice versâ*.

A. D. 1822. REGULATION VI.

A REGULATION to establish a Court of Wards for Benares, and to define and explain certain of the Rules regarding the powers and jurisdiction of the several Courts of Wards.—Passed on the 1st of August 1822; corresponding with the 18th Sawun 1229 Bengal Era; the 28th Sawun 1229 Fussily; the 19th Sawun 1229 Willaity; the 14th Sawun 1879 Sumbut; and the 12th Zekaad 1237 Higeree.

THE rules for constituting and for fixing the jurisdiction of the Court of Wards contained in Regulation X. 1793, extended to the ceded and conquered provinces by Regulation LII. 1803, and Section XXIX. Regulation VIII. 1805, and to Cuttack by Section XXXVI. Regulation XII. 1805, have never been extended to the province of Benares, though such extension was obviously intended, and is distinctly alluded to in Clause the Seventh, Section VII. Regulation V. 1795. Moreover the original rules for the management of the estates of minors, and other disqualified persons over which the Court of Wards have jurisdiction, provide only for the appointment of a manager, from amongst the relations, connections or principal servants of the minor's family, to collect the rents and otherwise manage the estate under the general authority of the Court of Wards. This system of management was early abandoned in the case of the less valuable estates, where the expense incident to the system was found to consume the profits, and the Court of Wards were authorized in such cases to adopt, at their discretion, any mode of management they might judge fit. Subsequently the managers were declared to be merely ministerial officers of the collector, by whom they were directed to be chosen, under the instructions if the Board of Revenue, without any regard to their connection with the proprietors. The revenue authorities were thus virtually vested with full powers of managing ward estates as might appear best, and the Court of Wards finding the charges of mofussil management by the said officers to be generally inordinate, obtained the authority and instructions of Government to substitute the system of farming in all ordinary cases. This system, which was adopted and pursued with a view to the interests of the minors, has now prevailed for a period of eighteen years. Nevertheless, the terms in which the discretion of dispensing with a manager is vested in the Court by legislative enactment have led to doubts of the legality of the practice of farming, as applied to extensive or profitable estates; it has accordingly been deemed necessary to declare by a specific enactment the competency of the Court of Wards to exercise generally a discretion in regard to the management of estates under their charge, and further to declare the legality of farms heretofore made under their authority. It is moreover expedient to enable the Courts of Wards to refrain from interfering with the estates of minors or other disqualified proprietors, in cases wherein they deem their interposition unnecessary or inexpedient; the following rules have accordingly been enacted, to be in force as provided therein, from the date of their promulgation.

Preamble.

II. Regulation LII. 1803, with the addition contained in Section XXIX. Regulation VIII. 1805, is hereby extended to the province of Benares, and the Board of Revenue for the central provinces is constituted a Court of Wards for that province, under the above rules, as hereinafter modified and explained.

Regulation LII, 1803, and part of Regulation VIII, 1805, extended to Benares, and the Board of Revenue for the central provinces constituted a Court of Wards for that province.

III. *First.*—The several Courts of Wards established within the territories subject to the presidency of Fort William, are hereby declared competent to farm estates falling under their jurisdiction for a term not exceeding ten years, or to adopt such other form of management, not involving an assignment of the minor's interests, for a period exceeding the above, as may in their discretion seem most expedient; any thing in the existing Regulations to the contrary notwithstanding.

The several Courts of Wards vested with a discretionary power to farm estates for ten years, or to adopt any other plan of management not involving a longer assignment.

Farms of lands heretofore made under orders from the Court of Wards declared legal and valid, and to be ſo conſidered by the ſeveral courts of juſtice.

It is hereby further declared and provided, that all farms heretofore made by or in pursuance of orders from the Courts of Wards, whether under the special authority of the Governor General in Council, or under the Court's own construction of its general powers, shall to all intents and purposes be held and considered to be legal and valid, and no exception shall be taken or allowed by any court of justice against such farms, on the ground of there having hitherto been no rule in any Regulation published according to the provisions of Regulation XLI. 1793, specifically authorizing the practice.

Farmers, &c. holding lands under the Court of Wards, declared ſubject to the ſame rules as are applicable to perſons in poſſeſſion of ſimilar tenures under the collectors of Revenue.

Second.—Farmers and others holding under the revenue authorities in their capacity of Courts of Wards, shall be subject to the same rules and regulations as are applicable to other persons holding similar tenures and interests under collectors of the land revenue.

Courts of Wards authorized to refrain from interfering with eſtates in caſes when their interference may appear unneceſſary. Proviſo, againſt the ſale of a minor's eſtate for arrears. Revenue officers, may farm in ſuch caſe, and Court of Wards competent to aſſume charge at any time during minority.

IV. The several Courts of Wards are hereby vested with a discretion to refrain from interfering with the estates of minors, or other disqualified proprietors, in cases wherein they may deem their interposition unnecessary or inexpedient; provided, however, that no estate, the sole property of a minor, and descended to him by the regular course of inheritance, shall, during his minority, be sold for arrears of revenue accruing subsequently to his accession to the same: but the revenue authorities shall, on an arrear so accruing, be authorized to farm the estate for a period not exceeding ten years, and it will of course be competent to the Courts of Wards to assume charge of such estates at any time during the minority of the proprietor, notwithstanding they may have originally refrained from interfering.

A. D. 1822. REGULATION VII.

A REGULATION for declaring the Principles according to which the settlement of the Land Revenue in the ceded and conquered Provinces, including Cuttack, Puttaspore and its dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other Officers employed in making, revising or superintending settlements; for continuing, with certain exceptions, the existing leases within the said Provinces for a further term of five years; for defining, settling and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof; and for vesting the Revenue Authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent and produce of land:—Passed by the Governor General in Council on the 8th August 1822, corresponding with the 25th Sawun 1229 Bengal Era; the 5th Sawun 1229 Fussily; the 26th Sawun 1229 Willaity; the 6th Sawun 1879 Sumbut; and the 19th Zekaad 1237 Higera.

Preamble.

WHEREAS the existing settlement of the land revenue in the ceded provinces will expire with the present Fuslee year, and it has therefore become necessary to declare and enact the principles and rules according to which the demand of the state is thereafter to be regulated, and the manner in which future settlements and revisions of settlements are to be conducted; and whereas a moderate assessment being equally conducive to the true interests of Government and to the well being of its subjects, it is the wish and intention of Government, that in revising the existing settlement, the efforts of the revenue officers should be chiefly directed, not to any general and extensive enhancement of the jumma, but to the objects of equalizing the public burthens, and of ascertaining, settling and recording the rights, interests, privileges and properties of all persons and classes owning, occupying, managing or cultivating the land, or gathering or disposing of its produce, or collecting or appropriating the rent or revenue payable on account of land, or the produce of land, or paying or receiving any cesses, contributions or perquisites to or from any persons resident in, or owning, occupying or holding parcel of any village or mehal; and whereas, with these views and intentions, the Governor General in Council has considered it to be expedient and proper, with the exception hereinafter specified, to continue the existing assessment in all cases in which the settlement has been formed with zemindars or other persons acknowledged as proprietors or possessors of a permanent interest in the mehal for which

they

they may have engaged, until a new settlement can be made, combining, with the revision of the Government jumma, and the deliberate investigation of the facts, by the determination of which its amount must be regulated, a full inquiry into, and a careful settlement of, the rights and interests of all classes connected with the land: And whereas the same principles are applicable to the district of Cuttack, the pergunnah of Puttaspore and its dependencies, of which the settlement will expire with the present Umlee year: And whereas it has appeared expedient to make special provision for the early settlement of the district of Goruckpore, the Chucla of Azimgurh, the Pergunnah of Puttaspore and its dependencies: And whereas it is also advisable to provide for the revision of the settlement of the Conquered Provinces and of the province of Bundlecund, pending the continuance of the existing leases: And whereas it is the desire of Government that the proceedings held, and the records formed by the collectors, when making settlements, or otherwise specially employed in conducting inquiries of the above nature, should be such as that all demands, claims, and suits, may be adjudged and determined according to the facts therein stated, until the same shall have been formally altered, or it shall be shown by the result of a full investigation in a regular suit, that the proceeding or record of the collector was erroneous or incomplete: And whereas it is necessary to declare and define the powers and authority to be vested in collectors in the conduct of the said inquiries, and the adjustment of the differences arising out of or made known by them: And whereas it further appears advisable that the revenue officers should in certain cases be vested with authority judicially to receive, hear, investigate and determine suits, claims and demands of the above description: And whereas it appears to be expedient to declare and explain the views and intentions of Government relative to the rights to be enjoyed and exercised by the sudder malgoozars, or persons admitted to engage for the payment of the Government revenue, and by persons collecting the rents of the land or revenue of Government, without being subject to the payment of any portion of it to the public treasury, such as Jagheerdars, and other owners or managers of lakheraj lands; and it is particularly necessary in the case of estates held in Putteedaree or Byachara tenure to make further provision for protecting the sharers who have not been admitted to engagements with Government against the encroachments of the sudder malgoozar, and likewise to secure the latter against the consequences of the embezzlement or misappropriation by the former, of the funds whence the Government revenue ought to be discharged;

For the purposes and objects above specified the following rules have been enacted, to be in force from the date of their promulgation, throughout the Ceded and Conquered Provinces, in the district of Cuttack, the Pergunnah of Puttaspore, and its dependencies:

The existing settlement in the ceded provinces to be extended in certain cases for a further period of five years.

II. *First.*—The existing settlement of the land revenue in the Ceded Provinces, with the exception hereinafter specified, shall in all cases in which it may have been concluded with zemindars, or persons acknowledged as the proprietors or possessors of a permanent interest in the mehal for which they have engaged, continue in force until the expiration of the year 1234 Fuslee, subject to the following provisions:

So also the settlement in Cuttack.

Second.—In like manner, and subject to the same provisions, the existing settlement of the land revenue in the district of Cuttack shall, in all cases wherein it may have been concluded with persons of the above description, continue in force until the expiration of the year 1234 Umlee.

Proclamations issued by the Revenue Boards and Commissioners, notifying the proposed extension of the settlement, sanctioned and confirmed.

Zemindars failing to notify their intention to relinquish their lands under the said proclamations, shall be held responsible for the payment of the present jumma, during the ensuing five years.

Third.—The Board of Commissioners in the Ceded and Conquered Provinces, and the Commissioner in Cuttack, having, under instructions from the Governor General in Council, caused proclamations to be issued in the several districts under their authority, declaring the resolution of Government to extend the existing leases as above, and requiring all zemindars and other persons aforesaid, who might be unwilling to continue their engagements for a further period of five years, to notify the same to the collector of the zillah, the said proclamations are hereby sanctioned and confirmed; and all zemindars, and other persons aforesaid, who shall not have made a notification to the effect and within the period thereby required, shall be held and are hereby declared to be responsible for the same revenue for each of the ensuing five years, viz. until the expiration of the year 1234 Fuslee, or 1234 Umlee, as the case may be, as may be demandable from them on account of the present year.

Goruckpore and Azimgurh excluded from the operation of the foregoing clauſes.

Fourth.—The districts of Goruckpore and Azimgurh are excluded from the operation of the rules contained in the preceding clauses of this Section: The zemindars and other persons aforesaid within the said districts shall be allowed to hold, from year to year, the mehals for which they may now be under engagements, subject to the payment of the jumma demandable on account of the present year, until the revenue officers shall be prepared to commence a careful revision of the settlement of their respective estates; and all engagements into which such zemindars and other persons may have entered, or shall enter, with the local revenue authorities for continuing their present leaſes as aforesaid, are hereby confirmed.

Zemindars of theſe diſtricts to hold on from year to year, until a new ſettlement ſhall be made.

The exiſting leaſes in Puttaſpore and its dependencies, to be ſimilarly continued from year to year.

Fifth.—In like manner the zemindars, and other persons aforesaid within the Pergunnah of Puttaspore and its dependencies, shall similarly be allowed to hold, from year to year, the mehals for which they may now be under engagements, until a proper settlement of the same can be made.

General rule relative to zemindars holding on, after the expiration of their leaſes.

Sixth.—Provided also, that it be hereby declared and enacted as a general rule, that if any zemindar, or other malgoozar as aforesaid, who may now or hereafter be under engagement for the payment of the revenue demandable by Government on account of any mehal, shall be allowed by the revenue authorities to continue in the management of such mehal after the expiration of such engagement, and shall do or direct any act relative to the cultivation or management of such mehal, or the settlement, assessment or collection of the rents of such mehal, in or on account of any year subsequent to the term of such engagement, such zemindar or other malgoozar aforesaid, shall be held to be responsible on account of such year for the same revenue as may have been demandable from him for the year preceding, unless otherwise specially agreed upon: Provided further, that it shall be competent for collectors or other officers exercising the powers of collectors, with the sanction of the Board, or Commissioner to whom they may be subordinate, at any time, not being more than six months previous to the expiration of a settlement, to call upon the zemindars, or other malgoozars as aforesaid, to declare whether or not they are willing to continue their engagements for the ensuing year; and if such zemindars or other malgoozars shall not forthwith notify their refusal to do so, they shall be held to have agreed to such an extension of their leases at the existing assessment, and so on, from year to year, as aforesaid. Zemindars or other malgoozars who may be allowed to hold on from year to year, shall not be chargeable with any additional revenue on account of any year, unless the collector or other officer exercising the powers of collector shall notify his intention to revise the assessment on or before the commencement of such year, unless where otherwise specially provided.

Collectors authorized, with the ſanction of the Board, to require zemindars to ſtate whether they are willing to continue their engagements.

Zemindars allowed to hold on, ſhall not be chargeable with additional revenue, excepting in certain caſes.

Settlements how to be made for farmed eſtates.

III. With respect to estates which are at present let to farm, a settlement thereof shall be made on the expiration of the existing leases for such a period as the Governor General in Council may direct. A preference shall be given to the zemindars, or other persons possessing a permanent property in the mehals, if willing to engage for the payment of the public revenue on reasonable terms: provided also, that in cases wherein such mehals may be let in farm, the term of the lease granted to the farmers shall not exceed twelve years. The above rules shall likewise be applicable to estates now held khas. So in any case wherein the zemindars and other proprietors may refuse to continue their existing engagements, or to enter into new engagements on equitable terms, it shall be competent to the revenue authorities to let the lands in farm, for such period not exceeding twelve years, as the Governor General in Council shall appoint, or to assume the direct management of them, and to retain them under khas management during the period aforesaid, or such shorter period as may be judged proper: Provided further, that if in any case it shall appear to the revenue authorities, that the continuance or admission of any rajah, zemindar, talookdar, or other person who may have engaged, or may claim to engage, for any mehal or mehals in or to the management of such mehal or mehals, would endanger the public tranquillity, or otherwise be seriously detrimental, it shall be their duty to report the circumstance to Government, and it shall be competent to the Governor General in Council, by an order in Council, to cause such mehal or mehals to be held khas, or let in farm, for such term as may appear expedient and proper, not exceeding the period above specified.

For eſtates held khas.

For eſtates of recuſant zemindars.

Caſes in which zemindars may be excluded from, or deprived of the management of their eſtates.

The admiſſion of particular parties to engage for the pay-

IV. In admitting particular parties to engage, it was in no degree the intention of Government to compromise private rights or privileges, or to vest the sudder

malgoozars

malgoozars with any rights not previously possessed by them, excepting in so far as their interest in the land for which they may have engaged, might be improved by the limitation of the Government demand, or otherwise by the resignation in their favour of rights previously vested in Government itself, or as it may have been found necessary, with a view to the punctual realization of the public dues, to vest the sudder malgoozar, by special regulation, with authority of distraint, or other powers of coercion over the under-tenants. On the contrary, it is the anxious desire of Government, and the bounden duty of its officers, to secure every one in the possession of the rights and privileges which he may lawfully possess, or be entitled to possess. In pursuance of this principle, it is hereby declared and enacted, that nothing in the above provisions for extending the existing leases, or in the stipulations of the existing settlements, do or shall be construed to bar the revenue officers duly empowered in that behalf, from interfering to adjust the respective rights of the sudder malgoozars and their under-tenants; nor shall any claims to a remission or abatement of revenue be admitted on the ground of any decision or order passed in that behalf, but if such decision or order shall operate materially to reduce the profits derived by any zemindar or malgoozar from the mehal owned or managed by him, it shall be competent for such zemindar or malgoozar to relinquish his engagements, and the revenue officers shall in such case proceed to make a settlement of the mehal de novo.

ment of the public revenue, shall not bar the revenue officers from interfering to adjust the rights of other persons or classes.

But if the profits of any zemindar be materially reduced by an order or decision of such officer, he shall be at liberty to relinquish his engagements.

V. *First.*—The provisions contained in the existing Regulations, regarding the allowance to be made to zemindars and other malgoozars who may be excluded from the management of mehals owned or claimed by them, whether as malikana or nancar, are hereby rescinded.

Existing provisions relative to malakana and nancar rescinded.

Second.—The proprietors of estates let in farm or held khas shall be entitled to receive an allowance of malikana, at such rate as the Board of Commissioners, or other authority exercising the powers of that Board, may determine; any thing in the existing Regulations notwithstanding: the said malikana to be apportioned in cases in which several proprietors may have heretofore held an estate under one common assessment, whether in joint tenancy or otherwise, according to the shares of each respectively: Provided also, that the malikana allowance granted to the proprietor or proprietors of any mehal shall not in any case be less than five per cent. on the net amount realized by Government from the lands; nor shall it exceed ten per cent. on that amount without the special sanction of the Governor General in Council; provided further, that if the said proprietors shall in any case be in the receipt of any perquisite, or the profits of any lands in lieu of the nankar formerly granted to them by the Native governments, or otherwise, in consideration of their proprietary tenure, the amount of such allowance shall be deducted from the malikana to which they are by this Section declared to be entitled: provided also, that this rule shall not apply to such zemindars as may continue in the occupancy of their tenures, whilst the mehal in which they are included is held khas, or farmed, or of any part of them, that is to say, zemindars who may cultivate or lease their lands, and pay the revenue to the farmer or Government officer; nor without the special sanction of Government to any malgoozar, zemindar, or other proprietor or holder of land, who may directly or indirectly continue to draw any allowance from the ryots of the lands farmed or held khas: Provided also, that malgoozars not being actual proprietors of the land included in the estate for which they may have formerly been under engagements, though recorded in the accounts of past settlements as zemindars, talookdars, or the like, or being proprietors of a part only of such land, shall not receive the above allowance on the jumma of the estate, but shall receive such allowance in lieu of their title of management, as it may appear to Government to be equitable to assign, in addition to the malikana to which they may be entitled on account of any lands held by them in actual property, and of which they may not retain the occupancy: And no malikana shall be granted to any sudder malgoozar on account of lands, the occupants of which may deny his right of property, until he shall have established his right by a regular suit in a court of justice, or to the satisfaction of the Board. But in such cases, such provision will be made for the intermediate support of the party, as the Governor General in Council may, on the recommendation of the Board, see fit to direct.

Malikana to be allowed to proprietors of estates farmed or held khas.

How to be apportioned among several proprietors.

Not to be less than five, nor without special sanction of Government, more than ten per cent. on the Government jumma.

Subject to what deduction.

No malikana allowance under this rule to be granted to zemindars, who may continue to occupy their lands under the farmer or Government officer.

Nor without special sanction to zemindars making collections from the ryots.

Provision for the case of malgoozars not proprietors, or only part proprietors of the mehals for which they may have been under engagements.

Third.—Provided also, that if any zemindar or sudder malgoozar shall have been called upon by a collector, or other officer exercising the powers of a collector, to state

Zemindars may be called upon to state the jumma for which

they may be willing to engage, and their malikana allowance may be adjuſted according to the amount tendered by them.

state the highest amount of jumma, for the payment of which he may be willing to engage, and shall have stated the same accordingly, the sum so stated by such zemindar or sudder malgoozar, and not the jumma ultimately realized by Government, shall form the basis on which his malikana allowance shall be adjusted; and in such case it shall and may be lawful for the revenue authorities to limit the said allowance to five per cent. on the said sum, or to a portion thereof, according to the extent of the proprietary interest possessed by the said zemindar or sudder malgoozar. Provided also, that if a zemindar or sudder malgoozar when so called upon shall fail to specify or tender any sum as aforesaid, then and in that case the net revenue derived by Government from the mehal, on account of the year preceding that in which the collector or other officer aforesaid may make the same requisition, shall be taken as the sum by which the amount of malikana (not being less than five, nor more than ten per cent. on the same) shall be adjusted.

Or by the net revenue of the preceding year, if no tender be made.

Revenue officers may reviſe ſettlement of eſtates, of which the exiſting leaſes ſhall be extended under Section II, during the continuance of ſuch extended leaſe.

VI. *First.*—In cases wherein the existing engagements may be continued under the rule contained in Section II. of this regulation, it shall and may be lawful for the collectors, with the sanction of the Board of Commissioners, to enter at any time in the course thereof on a revision of the settlement, notwithstanding such continuance of the existing leases, and to adopt such measures as may be requisite for ascertaining and determining the extent and produce of the lands, and the amount of jumma properly demandable therefrom, and for procuring and recording the fullest possible information in regard to the rights, interests, privileges and properties of the agricultural community, and to determine the same, with the same powers and authority as they now are or may hereafter be entitled to exercise in forming the settlement of estates open to re-assessment.

Reviſion of ſettlement how to be made.

Second.—The said revision of the settlement shall be made village by village, and mehal by mehal; and such number of mehals shall be revised in each year as the Board, under the orders of the Governor General in Council, may direct.

Reviſion of ſettlement ſhall not operate to alter the amount of the jumma payable on account of lands included in exiſting engagements.

Third.—Such revision of the settlement shall not operate to disturb the existing engagements during the period for which they may be continued under the provisions of Section II. of this Regulation, in so far as such engagements relate to the amount of jumma demandable by Government; but the said engagements shall be held and considered to include only such villages and lands as may be specified in the proceedings or accounts of the settlement last concluded; and if on the revision of the settlement of any mehal it shall be found that there has been any material error, or concealment of lands belonging to such mehal, the collector shall be authorized, subject to the orders of the Board, separately to assess the lands so withheld from the knowledge of the revenue authorities, in the same manner and with the same powers as he would assess an unsettled mehal: Provided also, that nothing in this or the preceding Sections shall be construed to prevent the revenue officers from passing and enforcing such orders, in regard to the rights and interests to be enjoyed by the different classes or persons connected with any mehal, during the period for which the existing settlement has been extended, as they may or shall be authorized to pass or enforce, when adjusting the assessment of an unsettled mehal.

But lands withheld from the knowledge of the Revenue officers at paſt ſettlements, may be ſeparately aſſeſſed.

Revenue officers reviſing ſettlements to exerciſe the ſame authority in adjuſting the relative rights of individuals, as they may exerciſe when aſſeſſing a mehal open to re-aſſeſſment.

Collectors in the conquered provinces to reviſe ſettlements during the continuance of the exiſting leaſes.

Fourth.—It shall in like manner be competent to the collectors in the conquered provinces, and in the province of Bundlecund, to enter on a revision of the settlement under the provisions contained in the preceding clauses of this Section, during the continuance of the existing leases.

When reviſion of ſettlement completed, prolonged leaſes to be granted in the ceded provinces and in Cuttack, Puttaſpore and its dependencies for years ſubſequent to 1234.

VII. *First.*—When a collector in the Ceded Provinces, or in the Province of Cuttack, shall have completed the revision of the settlement of any mehals under the rules contained in the preceding Section, it shall and may be lawful for him, subject to the orders of the Board of Commissioners and of Government, to grant to the proprietors, if willing to engage on adequate terms, renewed leases for such further term of years subsequent to the year 1234 Fuslee or Umlee, as the Governor General in Council may direct.

Jumma for years ſubſequent to 1234, how to be adjuſted.

Second.—The assessment to be demanded on account of the years subsequent to the year 1234 Fuslee, to which leases renewed as above may extend, shall be fixed with reference to the produce and capabilities of the land, as ascertained at the time when the revision of the settlement shall be made, unless under special circumstances justifying a prospective enhancement of the Government demand; provided also, that the amount of such assessment shall not be raised above that of the present

jumma

jumma, unless it shall clearly appear, that the net profits to be derived from the land by the zemindars, and others who may be entitled to share in the profits arising out of the limitation of the Government demand, will exceed 1-5th of that amount; and in cases wherein any increase may be demanded, the assessment shall be so regulated as to leave the zemindars and others aforesaid a net profit of twenty per cent. on the amount of the jumma payable by or through them respectively, no abatement on the existing jumma will be allowed, unless on the clearest grounds of necessity.

Pottahs granted on revised settlement only to cover lands specified.

Third.—The pottahs granted on such revised settlements shall be held only to secure the malgoozars from further demand during the term of their respective leases, on account of the lands specified in it, or described in the settlement roobakaree of the collector, with such allowance for error as may be distinctly declared at the time of settlement. Zemindars and other persons entering into engagements will be required therefore to afford the fullest and most correct information in regard to the rucba of the mehals for which they may engage.

In conquered provinces likewise, renewed leases to be granted pending the present settlement for a term of years subsequent to its expiration.

Fourth.—In like manner it shall and may be lawful for collectors in the Conquered Provinces and in the Province of Bundlecund, to grant renewed leases for a further term of years subsequent to the expiration of the existing settlement, subject to the same rules, restrictions and provisions, as are enacted in the preceding clauses relatively to the Ceded Provinces.

Cases wherein the final settlement of estates shall after revision, be postponed until the expiration of the current leases.

Fifth.—If any zemindar or other sudder malgoozar, the settlement of whose estate may be revised under the above rules, shall refuse to enter into suitable engagements for a further period beyond the term of the then current lease, or if after such revision the revenue authorities shall under any other circumstances deem it expedient to postpone taking further engagements for the payment of the revenue of any mehals until the expiration of the current leases, it shall be competent to them to do so; and in such case, the several rules contained in Section III. of this regulation, relative to estates of which the settlement will expire with the present year, shall on the expiration of the said leases be and be held applicable to such mehals.

Rules applicable to such cases.

The same rules applicable to estates in Goruckpore, Azimghur, Puttaspore, &c. as they may become open to re-settlement.

Sixth.—The same rules shall also be applicable to the several mehals within the district of Goruckpore, the chuklah Azimgurh, the purgunnah Puttaspore and its dependencies, as they may respectively become, or be declared open for re-settlement.

Waste lands may be disposed of by Government, under what conditions.

VIII. Where the waste land belonging to or adjoining any mehal is very extensive, so as considerably to exceed the quantity required for pasturage, or otherwise usefully appropriated, it shall be competent to the revenue officers to grant leases for the same, to any persons who may be willing to undertake the cultivation, in perpetuity, or for such periods as the Governor General in Council shall determine; and to assign to the zemindars, or others who may establish a right of property in the lands so granted, an allowance equivalent to ten per cent. on the amount payable to Government by the lessees, in lieu and bar of all claims to or in the waste lands so granted, or such other perquisites or privileges as by the custom of the country they may appear in such cases entitled to receive.

Detailed investigations to be prosecuted by collectors and other officers making or revising settlements.

IX. *First.*—It shall be the duty of collectors, and other officers exercising the powers of collectors, on the occasion of making or revising settlements of the land revenue, to unite, with the adjustment of the assessment, and the investigation of the extent and produce of the lands, the object of ascertaining and recording the fullest possible information in regard to landed tenures, the rights, interests and privileges of the various classes of the agricultural community. For this purpose, their proceedings shall embrace the formation of as accurate a record as possible of all local usages connected with landed tenures, as full as practicable a specification of all persons enjoying the possession and property of the soil, or vested with any heritable or transferable interest in the land, or the rents of it, care being taken to distinguish the different modes of possession and property, and the real nature and extent of the interests held, more especially where several persons may hold interests in the same subject matter of different kinds or degrees. This record shall, in Putteedaree or Byhachara villages, or the like, include an accurate register of all the coparceners, not merely the heads of divisions, such as the Puttees, Thokes or Bahrees, but also as far as possible of every person who occupies lands, disposes of its produce, or receives rent as proprietor, or as agent for one or more proprietors holding land and disposing of its produce, or receiving the

Proceedings to embrace what particulars.

rents of it in common, with a detailed statement of the interior arrangements adopted by the brotherhood, for the distribution of the profits derived from sources common to the coparcenency where any such exist, and for determining the share of the Government jumma, and of the village expenses which each parcener is to contribute, or the other modes in which the engaging parcener or intermediate Putteedars and Behreedars collect from the cultivators. A record shall likewise be formed of the rates per beegah of each description of land or kind of produce demandable from the resident cultivators not claiming any transferable property in the soil, whether possessing the right of hereditary occupancy or not, and the respective shares of the sudder malgoozar, or other manager, and the cultivator, in lands cultivated under kunkoot, bataie, or similar engagements, with a distinct specification of all cesses or extra collections made by the malgoozar, or village manager, or other. The names of all the village putwarees and village watchmen shall also be registered, with a statement of the amount and nature of the allowances assigned them. And all lakheraj tenures shall be carefully recorded with a specification of the nature of the tenure. The information collected on the above points shall be so arranged and recorded as to admit of an immediate reference hereafter by the courts of judicature; it being understood and declared that all decisions on the demands of the zemindars shall hereafter be regulated by the rates of rent, and modes of payment avowed and ascertained at the settlement, and recorded in the collector's proceedings, until distinctly altered by mutual agreement, or after full investigation in a regular suit: And all cesses or collections not avowed and sanctioned, nor taken into account in fixing the Government jumma, shall be held illegal, and unauthorized, unless now or hereafter specially sanctioned by Government.

How far to be binding on the courts of Judicature.

What cesses or collections to be held illegal.

Collectors and other officers making settlement may grant pottahs to mofussil Zemindars and Ryots.

Second.—Provided also, that it shall be competent to collectors and other officers as aforesaid (subject to the orders of the Board of Commissioners) to grant pottahs to the several mofussil zemindars and ryots, or other owners or occupants of land, for the land owned or occupied by them, specifying the amount to be paid by them, and all the conditions attaching to their tenure, and a register of all pottahs so granted shall form a part of the roobakaree of settlement.

In what case engagements for the revenue may be taken as heretofore, without a detailed mofussil settlement.

Third.—Provided, however, that if from the number of estates, of which the leases may at once expire in any district, or from any other special cause, it shall be found necessary for the security of the Government revenue, to take engagements from any zemindar, malgoozar, or farmer, without completing the detailed inquiries above directed, it shall be competent to the Boards of Revenue, or other authority exercising the powers of such a Board, to cause engagements for the revenue to be taken in the manner heretofore in use, reporting the circumstance to the Governor General in Council; but the term of the engagements so taken shall not exceed five years, and the rules relative to the revision of the settlements of mehals, of which the existing leases have been extended under the provisions of Section II. of this Regulation, shall be equally applicable to estates for which such engagements shall be taken.

Such engagements not to be granted for a term exceeding five years, nor to bar an intermediate revision.

In cases where several persons holding interests of different kinds may have separate properties in the same land, Government may determine which of such parties shall be admitted to engage for the public revenue.

X. *First.*—Of several parties possessing separate heritable and transferable properties in any parcel of land, or in the produce or rent thereof, such properties consisting of interests of different kinds, it shall be competent to the Governor General in Council to determine and direct which of such parties shall be admitted to engage for the payment of the Government revenue; due provision being made for securing the rights of the remaining parties. It is further hereby declared and enacted, that it is and shall be competent to the Governor General in Council, in confirming the settlement of any mehal in perpetuity, or for a term of years, to determine and prescribe the manner and proportion in which the net rent or profit arising out of the limitation of the Government demand shall be distributed among the different parties possessing an interest in the lands appertaining to such mehal, or in the rent or produce of such lands or mehal.

Provision to be made for the remaining parties.

Government will also determine the manner and proportion in which the net rent or profit arising out of the limitation of the public demand shall be distributed among the different parties possessing properties in lands settled in perpetuity, or for a term of years.

Mofussil settlements to be made in cases wherein the title of an intermediate manager between Government and the proprietors or hereditary occupants of the soil may be maintained.

Second.—In cases wherein any land appertaining to a mehal hitherto recognized as the talooka, zemindaree, or the like of one or more sudder malgoozars, may be owned or occupied by other persons holding under the sudder malgoozar, and possessing an heritable and transferable property therein, or an hereditary right of occupancy subject to the payment of a fixed rent, or of a rent determinable by a fixed principle, if the title of the said sudder malgoozar to engage for the revenue be upheld, and generally in cases wherein the tenure of an intermediate malgoozar or manager

manager between the Government and the proprietors or hereditary occupants of the soil may be maintained, whether the Government revenue be collected from the zemindar, talookdar, or other hereditary intermediate malgoozar, or the mehal be farmed or held khas, it shall be competent to the collector, or other officer who may be employed in adjusting the jumma to be assessed on such mehal, with the sanction of the Board previously obtained, and subject to the orders and direction of that authority, to make a mofussil settlement with each of the proprietors or occupants aforesaid for the land possessed by him, and to grant such proprietors or occupants pottahs, defining the condition on which they are to hold their land, whether subordinate to the sudder malgoozar, or to the farmer or officer of Government employed in the khas management; and in all such cases, if engagements for the Government revenue of the mehal be taken from the intermediate hereditary malgoozar, the particulars of the mofussil settlement, when approved by the Board, shall be indorsed on the pottah to be granted to the sudder malgoozar, or shall be so incorporated with the engagement taken from him as to form part of the same.

Where several persons may hold a common property or properties subject to a common obligation.

Third.—In cases in which two or more persons may possess a joint property in any village, mehal, or parcel of land, or in the rent or produce of any village, mehal or land, or in any part of such village, mehal, land, rent or produce, the property of such persons consisting of interests of the same kind, whether of the same extent or otherwise, as well as in cases wherein such property in any mehal, village, land, produce or rent, may be separately possessed by parties subject by prescriptive usage to common obligations, whether existing or contingent, it shall be competent to the collector, or other officer exercising the powers of collector, subject to the orders and direction of the Board and of the Governor General in Council, either to make a joint settlement with the parties collectively, or a majority of them, or with an agent appointed by them, or a majority of them, or to select one or more of them to undertake the management of the mehal as sudder malgoozars, due advertence being had to the wishes of all the coparceners, and to the past custom of the village or villages comprised in the mehal

The Revenue Officers may make a joint settlement with or in behalf of the parties collectively, or of a majority of them.

Or may select one or more to manage the mehal as sudder malgoozars.

When a joint settlement is to be made, parties how to be summoned.

Fourth.—When it shall be determined to make a joint settlement for any village, mehal, or parcel of land, with the parties possessing therein a joint property as aforesaid, the collector or other officer making the settlement shall give notice of his intention, by a written proclamation to be stuck up in some public place within the village, mehal or land, and shall require all persons possessing therein a property as aforesaid to attend, either in person, or by representative duly authorized in the matter, within a reasonable period, at a stated place and time, and to declare their agreement or non-agreement to the jumma proposed to be assessed on the village or land.

Persons wilfully failing to attend when summoned, to be bound by decision of the majority who may attend, and to be responsible for the revenue agreed to. Unless otherwise specially provided.

Fifth.—If any person or persons, when summoned as above, shall refuse, neglect or omit to attend, either in person or by representative, such person or persons shall be held to be bound by the decision of the majority of those who may attend in agreeing or disagreeing to the jumma, and his or their interests and estate shall, unless otherwise specially allowed, be held responsible for the Government revenue, and be liable to sale in the event of any arrear accruing on account of the settlement.

In cases in which any of the parceners object to the jumma assessed, the engaging parceners shall be deemed to be farmers of the revenue of the lands belonging to the recusants, if their engagements extend to such lands.

Sixth.—If any person or persons shall attend, and shall object to the jumma proposed to be assessed, then, should a settlement be made with the other parties present, the objecting parties shall be left in the enjoyment of the same rights and interests as they would enjoy in the event of the mehal being farmed or held khas; and in so far as regards the lands to which such rights and interests attach, the other parceners, if their engagements be extended thereto, shall be considered farmers of the Government revenue, to hold the same under leases of such term as may be determined and agreed upon under the general rules applicable to lands for which the proprietors may refuse to engage.

Proprietors cultivating lands of which the revenue may be collected khas or farmed, at what rates to pay rent.

Seventh.—When any mehal or portion of a mehal held by a number of cultivating proprietors in Putteedaree or Bhyachara tenure, or the like, shall be let in farm or held khas, the rent demandable from the proprietors of such mehal or portion of mehal, on account of the land occupied and cultivated by themselves, shall be adjusted by the rates payable by ryots, or other resident cultivators not having an heritable and tranferable property in the soil, for lands of a similar description in the same or in the adjoining villages, with a deduction of five per cent. on account of malikana, or such other rate, not being less than five per cent. as Government may determine.

When the ſettlement of a mehal held in common tenancy, or ſubject to common obligation, ſhall be made with one or more of the parceners ſelected as manager or ſudder malgoozar, on what terms the other parceners are to hold.

Eighth.—When it shall be determined to make a settlement of a mehal of the above description with one or more of the parceners selected to manage, collect, and account for the public revenue as sudder malgoozar, then and in that case the interests of the non-engaging parceners shall not be held answerable for the default of the sudder malgoozars, save and except in so far as may be specifically provided. Such parceners shall, until regularly separated, continue to hold their lands as subordinate proprietors, subject to the payment of rent or revenue to the sudder malgoozar at the rates and in the mode heretofore in use, excepting in so far as that usage may be affected by the determination of Government in regard to the distribution of the net rent or profit derived from the limitation of the Government demand, or by the rules now in force, or hereafter to be enacted, for vesting the sudder malgoozars with specific powers over the subordinate tenants in the collection of the rent or revenue demandable from them. The responsibility attaching to the persons selected as sudder malgoozars, and the conditions under which they are to hold that title of management, will in each case be specifically declared at or after the time when the settlement is confirmed. The conditions and limitations under which the subordinate proprietors shall be admitted to separate engagements will also be similarly declared.

Nature and conditions of the ſudder malgoozar's tenures to be declared.

Lands ſeparately owned and occupied, though hitherto held as one mehal, may be ſeparately ſettled.

Ninth.—Provided further, that in all cases wherein different parcels of land belonging to any mehal may be separately owned and occupied by different proprietors, or by different bodies of proprietors, it shall be competent to the Boards of Revenue, or other authority exercising the powers of that Board, to cause a separate settlement to be made for the land owned and occupied by each proprietor, or by each body of proprietors, and each parcel of land for which a separate settlement may be so made, shall be held exclusively responsible for the revenue assessed upon it. Provided also, that if the several parties possessing a joint property, or separate properties subject to a common obligation as aforesaid, or any of them, shall apply to a collector, or other officer making or revising a settlement, to have separate possession of their several share or shares in such joint property, or to be admitted to separate engagements, it shall be competent to such collector or other officer, with the sanction of the Board, or other authority to which he may be subordinate, to make a partition of the property among the different parties according to their respective interests, and to make a separate settlement with each of them, or with such as may desire to enter into separate engagements.

Joint properties, or properties ſubject to a joint obligation: in what caſes to be divided.

Proprietors though excluded from engagements may have their names regiſtered.

Tenth.—In all cases wherein any proprietors may be excluded from engagements, the collector shall be careful to let it be known that all persons possessing a property in the mehal are entitled to have their names recorded in the roobukaree of settlement, with the amount or rate of the assessment demandable from each.

Collectors forming ſuch regiſtry to proceed on the baſis of actual poſſeſſion.

XI. *First.*—The collector's proceedings in forming the registry above directed, shall be founded on the basis of actual possession, and that officer shall, in every instance, be careful to record the precise nature of the authority on which the entries in his books may be made. In conformity with the above principle, it shall be competent to the collectors or other officers when making or revising settlements, or otherwise deputed, to investigate and determine the circumstances of any mehal, and the nature of the tenures connected with it; to correct the errors or omissions of former settlements by admitting to engagements, or entering on the public records, the names of the persons found in the bonâ fide possession of land, or in the receipt of rent under a proprietary title; and in such cases the collector will hold an official proceeding, explaining fully the grounds on which he may act.

In eſtates held under Putteedaree, Bhyachara, or the like tenure, collectors may in certain caſes, make a freſh allotment of the revenue and charges payable by the ſeveral parceners.

XII. *First.*—In cases in which the proportion of the Government jumma and village expenses payable by each proprietor, and by each body of proprietors comprised in the several Puttees, Behrees, and other divisions of an estate held under Putteedaree or Bhyachara tenure, or the like, may have been originally fixed on a measurement of the lands occupied by each, with reference to the quantity in cultivation, and may be liable by the usage of the country to periodical adjustment on the same principle, if the collector or other officer making or revising the settlement shall be satisfied by examination of the putwaries accounts or otherwise, that the contributions paid by any proprietor or body of proprietors as aforesaid are materially in excess of the amount justly demandable from them, it shall be competent to him, with the previous sanction of the Board, to cause a new distribution to be made of the revenue and charges payable by each, with reference to the above principle, and

to

to such resolutions as Government may have passed relative to the apportionment of the net rent or profits arising out of the limitation of the Government demand, and in the performance of this duty to employ the canoongoe, and such person or persons as he may judge it advisable to appoint, and to settle the jumma payable by the different parties according to the award of such person or persons, or otherwise as shall appear to be just and equitable.

And in certain cases may make a fresh partition of the land.

Second.—In like manner, in cases in which the several proprietors shall be entitled not only to an adjustment from time to time of the jumma payable on account of the lands occupied by them, but likewise to a periodical partition of the lands of the village, with reference to the share recorded as belonging to each, it shall be competent to the collector to cause a fresh partition of the lands, and adjustment of the jumma, to be made as above prescribed, and at the same time to fix and declare the period from which the arrangement as finally settled is to have effect, and to adjust the claims of the parties relative to the revenue intermediately paid by them, as may appear equitable; provided however, that no such partition or adjustment shall be final until confirmed by the Board of Commissioners, or other authority exercising the powers of that Board; provided also, that if any parties shall dispute the existence of the usage under which the partition of the lands shall have been made, and shall claim to be restored to possession of the lands which the collector may have transferred to another, or shall consider himself entitled to the benefit of a new partition, of the lands comprised in the mehal to which he may belong, in any case in which the collector may have refused to order it, it shall be competent to the said party to bring a regular suit in the Zillah Court against the person or persons to whom the lands may have been transferred, or the person or persons who may resist the partition, to try the justness of the collector's decision; but if the existence of the usage shall be admitted or established, it shall not be competent to the courts of judicature to question the accuracy of the partition of the land, or adjustment of the jumma; and whenever the decision of a collector for the partition of any land shall be set aside, it will of course belong to the revenue authorities to re-adjust the jumma with reference to the interests of the parties, as defined and settled by the final decision of the courts of judicature, and to the conditions of the tenure, and to any general or special resolution of Government relative to the distribution of the net rent or profit arising out of the limitation of the public assessment.

Cases wherein parties affected by collector's decision may contest it in the Adawlut.

On what points decision of revenue officers to be conclusive.

XIII. Collectors, and others officers exercising the powers of collectors, shall not, unless where specially authorized in the manner prescribed in this or some other Regulation, do any act tending to disturb possession, but shall leave the Adawlut to investigate in a regular suit all claims of persons not in possession, but deeming themselves entitled to be so.

Collectors shall not disturb possession unless specially authorized.

XIV. *First.* Collectors making or revising settlements shall, in cases in which any dispute may exist in regard to the nature of the tenure of any person occupying the soil, be competent to declare in an official proceeding, to be incorporated in the roobukaree of settlement, the nature and extent of the interests actually possessed by such occupant, referring to the denomination heretofore applied to him only as one means of proof in regard to the nature of the interest, but stating at length, with specification of any examination he may take for his satisfaction, the grounds of his determination; so also in cases of dispute regarding the extent of the interest belonging to any sharer in a village or villages held under Putteedaree, Bhyachara, or the like tenure, such sharer having actual possession of a portion of such village or villages, or being in the actual receipt as proprietor of a share of the joint profits of the land, it shall be competent to the collector to decide the point in the first instance in his roobukaree of settlement, and to enforce his decision, leaving the party who may deem himself aggrieved to seek redress by a regular suit in the courts, to try the right; but nothing herein contained shall be construed to authorize the courts to interfere with the decision of the collector in regard to the amount or proportion of jumma to be assessed on any parcel of land, or in respect to the quantity and description of land to be assigned in partition to the holder of any specific share of a joint estate.

Collectors making or revising settlements may declare nature and extent of interests possessed by persons occupying land.

Where lands held in Putteedaree, Bhyachara, or the like tenure, collectors may decide disputes as to the extent of interest belonging to any parcener, and may enforce his decision.

Subject to an appeal to the Adawlut.

Second.—The above rule shall not be construed to empower collectors, unless otherwise authorized, to take cognizance of any claim, to receive a larger portion

Collectors shall not under the above rule take cognizance of

claims to larger profits, or more land than claimant may have hitherto enjoyed or held.

of the common profits than the claimant has hitherto enjoyed, or to hold a larger portion of the village or villages than he has hitherto occupied.

Decision of revenue officers to be maintained by courts unless proved to be wrong in a regular suit.

Third.—The decisions passed by the collectors under the above powers, if not altered or annulled by the Board or by Government, shall be maintained by the courts, unless on investigation in a regular suit it shall appear that the possession held under such a decision is wrongful; and nothing herein contained shall be understood to authorize any court to interfere with the decision of the revenue authorities relative to the jumma to be assessed on any mehal, or portion of a mehal, or to the extent and description of lands belonging to any mehal that may be assigned on the partition of the same to the several parceners concerned.

Courts not to interfere with apportionment of jumma, or allotment of land made by collectors, excepting where the principle of collector's decision may be at variance with decree.

In what cases collectors to take cognizance of complaints of wrongful dispossession.

Fourth.—If any person shall complain to a collector, or other officer making or revising the settlement of any mehal, that he has been wrongfully dispossessed from any lands, premises, crops, orchards, pasture grounds, fisheries, wells, watercourses, tanks, reservoirs, or the like, within such mehal, or of the rents, produce or profits of such lands, premises, &c. the like as aforesaid, or that he has been wrongfully disturbed in the possession thereof, it shall be competent to the collector, or other officer aforesaid, to inquire into the matter, and if the party so complaining shall appear to have been in possession in the year preceding that in which the complaint is brought, and there shall otherwise be reason to believe that he has been violently or wrongfully dispossessed or disturbed, it shall be competent to the collector to restore or confirm him, recording the grounds of his determination in a roobukaree; and the opposite party shall in such case be left to bring a regular suit in court to try the question of right. In like manner should a collector, or other officer as aforesaid, find that there exist in any mehal, of which he may be making or revising the settlement, any disputes relative to the possession of lands, premises, or the like, which it may be expedient to adjust, it shall be competent to the collector or other officer aforesaid to pass a decision determining the point of possession, leaving the question of right, if further disputed, to be settled by the result of a regular suit in the Adawlut.

Subject to an appeal to the Adawlut.

The above provisions, to what cases to apply.

Fifth.—The above provisions shall be held to apply to all cases in which a zemindar or undertenant, whether farmer or ryot, having by special deed or prescriptive title, a right of occupancy, shall have been wrongfully ousted from the occupancy of lands held and cultivated by him in the preceding year, or in which the rents and profits of any land which were received by such dispossessed party in the preceding year, shall be withheld from him, without a legal award, or a voluntary act of the party involving the transfer, renunciation or relinquishment of such rents and profits. But the above rule shall not apply to any case in which the complaining party may have executed any deed, purporting to be a relinquishment of possession, unless it shall have been established by some judicial proceeding that such deed was extorted by force and terror, nor to any cases wherein the complainant shall have in any way lost or relinquished possession previously to the commencement of the year preceding that in which the complaint may be preferred.

To what cases the rule shall not apply.

In settling resumed lakhiraj lands, collectors may take cognizance of claims to the property therein.

XV. In the settlement of any resumed mehal held or pretended to be held under Sunnuds from the ruling power, or from the Amils, or other officers of the Government, whether such lands shall have been heretofore subject to the payment of revenue or otherwise, it shall be competent to the collector or other officer making the settlement to hear try and determine, all claims to the property and possession of the land comprising such mehal, or the rents or produce thereof, anything in the existing Regulations notwithstanding, and subject to the orders and direction of the Board of Revenue, or other authority exercising the powers of that Board, to give possession to, and conclude a settlement with, the party who may appear to have the best title, leaving other claimants to establish their claims by a regular suit in the Zillah or Provincial Court, by which, according to the value of the interest at stake, all decisions passed by the revenue authorities under this Section, may, on such suit being fully heard, sued and determined, and not otherwise, be revised, annulled or altered. The above rule shall not extend to lands held free of assessment under grants made by, or at the request of the proprietors themselves, or their representatives, the settlement of which shall ordinarily be made with the parties in possession, if willing to engage on adequate terms.

And may give possession to parties appearing to have the best title.

Subject to an appeal to the Adawlut by a regular suit.

The above rule not to extend to lands held under grants made by, or at the request of proprietors.

XVI.—It

Governor General in Council may grant to collectors making or revising settlements, special authority to take cognizance of claims to the property and possession of land.

XVI. It shall be competent to the Governor General in Council to grant to a collector making or revising the settlement of any mehal, whether the same may have been held by a lakhiraj tenure resumed, or being malgoozaree, may have become open to resettlement in ordinary course, special authority to hear, try, and determine as above, all claims to the property and possession of the lands lying within such mehal, or the rent or produce thereof, and to give possession to the party who may appear to have the best title, subject to the orders and direction of the Board, and further subject, as above, to the revision of the Zillah or Provincial Court on a regular suit; provided also, that whenever special authority may be given to any collector as aforesaid, notice of the order of Government shall be published by a proclamation within the mehals, to which the authority so given may extend; and it shall be the duty of the collectors and the Boards to see that such proclamation is duly made. But no decision passed by a collector under this or any other Section whereby such notification is required, shall be disturbed by any court of judicature, otherwise than after a full and regular investigation of merits on the plea that proclamation was not made.

Collectors making or revising settlements in what cases to take cognizance of claims to property in lands held lakhiraj, or at a mocurruree jumma, under valid tenures, and to make a settlement with the proprietors on behalf of the lakhirajdar, or mocurrureedar.

Proviso that an appeal to the Adawlut shall lie on the question of right of property.

XVII. It shall be competent to collectors and other officers engaged in making or revising the settlement of any purgunnah, mowzah, or other local division, on the application of persons claiming a right of property in lands held free of assessment, or at a mocurruree jumma, under unquestioned grants from the ruling power, or from the Amils, or other officers of government, and situate within or adjoining to such pergunnah, mowzah, or other local division, to receive, try, and determine the claim; and if satisfied that the applicants do possess, or are entitled to possess, a hereditary and transferable property in the land, or the produce or rent thereof, the collector or other officer, with the sanction of Government previously obtained, shall be authorized to conclude a settlement with them on behalf of the lakhirajdar or mocurrureedar, for such period as the Governor General in Council may direct, and shall grant to each of the said proprietors pottahs, defining the conditions on which they are to hold their lands, subordinate to the lakhirajdar or mocurrureedar.—It shall further be competent to the collector, under the orders of the Board of Commissioners, to fix and declare the amount of malikana, or other proprietary allowance to be paid by such lakhirajdars or mocurrureedars to the said proprietors, in the event of their being divested of the occupancy and management of their lands: Provided however, that either party who may be dissatisfied with the decision of the collector as to the question of the right of property, shall be at liberty to contest the same in a regular suit in the Adawlut; but the courts shall not interfere to alter the terms on which the settlement may have been made by the collector with proprietors, or the amount of malikana granted to such persons.

Collectors to be the judges to the question of jurisdiction.

XVIII. The collector shall in cases of doubt be the judge of the question of jurisdiction, subject to the orders of the Board and of Government, and the courts of judicature shall not disturb possession given by the collector, except on a regular suit, and on a decision as to the right.

Collectors authorized to summon witnesses and require production of accounts.

XIX. *First.*—It shall be competent to collectors when prosecuting the above inquiries, or hearing and trying the above suits or otherwise, when authorized in that behalf by the Board to which they may be subordinate, to require all sudder malgoozars, and other persons owning, occupying, managing or cultivating any lands within or in the vicinity of the mehal to which their inquiries may extend, or gathering or disposing of the produce thereof, or collecting enjoying or appropriating any rent or revenue derived therefrom, as well as the gomashtahs, or other agents employed by such persons in the management or cultivation of the land, or in the collection of the rent, produce, or revenue thereof, to attend and produce all accounts or other papers which they may respectively possess relative to such lands, produce, rent or revenue, and to examine the said persons on oath, or hulufnamah, to the truth of the accounts produced, or on any other matter relating to such accounts, or regarding the lands, produce, rent or revenue of the mehal, or the rights and interests attaching to such lands, produce, rent or revenue; *provided however*, that no person shall be compelled to answer on oath or solemn declaration, any interrogation regarding matters wherein he may have an immediate personal interest in concealing the truth, or in uttering what is false, not being an interest arising out of fear, favor or reward, or any corrupt bargain or agreement with another party.

To examine on oath, or Hulufnamah.

Proviso that persons shall not be examined on oath on questions immediately touching their own interests.

Rules of Regulation II, 1819, applicable to processes issued by

Second.—The rules contained in Section XI, Regulation II, 1819, relative to the mode of serving process on persons who may be required to attend and produce

collectors under this Regulation.

accounts under the provisions of that Regulation, shall be and be held applicable to processes issued by collectors or other officers under the rules contained in this Regulation. In like manner the provisions of Section XII. of the said Regulation shall be applicable to all putwarries, gomashtahs, or other persons, by whom the accounts of any lands, regarding which the said inquiries may have been instituted, may be kept, and who after being duly summoned as aforesaid may neglect or omit to produce any of the accounts required from them, or to give their evidence regarding them, or who may deliberately give a false deposition on oath, or solemn declaration, when summoned and examined as aforesaid, or who may alter, fabricate, falsify or mutilate the accounts which they may be required to produce; provided further, that collectors and other officers employed in the settlement of the land revenue, or in any of the inquiries specified in this Regulation, shall be vested with all the powers and authority which are or may be lawfully exercised by collectors in cases depending before them under Regulation II, 1819, and the rules contained in Clause III, Sections XIII. XIV. and XIX. of the said Regulation, shall be and be held applicable to all persons who may be summoned by any collector or other officer aforesaid, or who may resist the process of a collector issued under the rules of this Regulation, or who may refuse to take an oath, or subscribe a solemn declaration when required, or who may deliberately give a false deposition on oath, or under a solemn declaration taken instead of an oath, or may cause or procure another to do so.

Also to putwarries and others ſummoned or examined in caſes cognizable under this Regulation.

And to all other perſons upon whom proceſs may be iſſued.

Powers ſpecified in Sections XI. XII. XIV. XVI. XVII. XVIII. and XIX. to be ordinarily veſted in collectors making or reviſing ſettlements.

But Governor General in Council may reſtrict powers to be exerciſed on any particular occaſion.

Like powers may be ſpecially veſted in collectors, though not engaged in making or reviſing ſettlements.

Collectors may be ſimilarly veſted with ſpecial powers to try all ſuits regarding rent.

XX. *First.*—The powers specified in Sections XI. XII. XIV. XVI. XVII. XVIII. and XIX. of this Regulation, shall be ordinarily exercised by collectors when employed in making or revising settlements of the land revenue, and shall extend to all the lands comprised in the pergunnah in which he may be so employed; but it shall be competent to the Government, by an order in Council to be publicly proclaimed in the district, to restrict the authority of collectors and other officers making settlements in such manner, and to such extent, as he may, from time to time, judge expedient. In like manner it shall be competent to Government to vest such collectors as may from time to time be judged fit, with a special authority to receive, try, and determine in the first instance, subject to a regular suit in the Adawlut as above provided, all or any of the questions of the nature specified in the aforesaid Sections, though the said collectors may not be engaged in making or revising a settlement of the land revenue, and to vest in such of the collectors as may be thought proper, authority (either generally, or within such limits as may be from time to time determined) to receive, try, and determine by summary process, all suits for rent which may be preferred by zemindars, talookdars, or other sudder malgoozars or farmers of land, or by any person in their behalf, against any dependent talookdar, zemindar, under-renter, ryot, or other under-tenant of whatever denomination, as well as all applications by ryots and the under-tenants contesting the demand of a sudder malgoozar or farmer, and all complaints preferred by ryots or other under-tenants of whatever description, against landholders or farmers of land, or their respective agents or representatives, on account of excessive demand or undue exaction of rent, whether levied by distraint or otherwise, as well as all suits relative to the adjustment of accounts between landholders and farmers of land or under-tenants of whatever description, with their sureties, or with any agents or persons employed by them in the managements of land, or the collection or payment of the rent of land, and to all other matters immediately connected with the demand, receipt or payment of the rent of land, whether malgoozary or lakhiraj, or with the rent of orchards, pasture grounds, and fisheries, commonly denominated phulkur, bunkur and julkur, or with any other asset of the land revenue, not included in the sayer abolished, together with all complaints of the non-delivery of pottahs when demandable under the Regulations, or complaints of the prescribed receipts not being given for actual payment of rent, and, generally, complaints of any deviation from the Regulations, or from the established usage of the country relative to the matters aforesaid, or any violation of subsisting engagements in disputes respecting the rent and occupancy of land, between landholders or farmers of land, and their under-tenants of whatever denomination.

Or exaction of rent.

The adjuſtment of accounts between landlord and tenant their ſureties and agents,

and touching all matters connected with land, the rents or produce of land, the delivery of pottahs, the violation of engagements and generally all diſputes between Sudder Malgoozars, and farmers and their tenants.

Appointment of collector to exerciſe the above duties how to be notified.

Second.—The appointment of the collector to the discharge of the above duties, and the extent of the jurisdiction to be assigned to him, shall be notified by Proclamation in the district, after such manner as the Governor General in Council may direct; and after the publication of such notice, all summary suits, actions,

applications

applications and complaints of the above nature, and referring to lands or the rents, produce, or accessions of land lying within the jurisdiction assigned to the collector as above, which may be preferred in the Zillah or City Adawlut by any sudder malgoozar, zemindar, talookdar, farmer, ryot, or other proprietor or under-tenant of land, shall, immediately on being received, be referred for trial to the collector, to whom all such summary suits depending at the time shall be transferred; provided also, that in such cases, parties having suits or complaints to prefer, of which the cognizance may be vested as above in the collector, shall be at liberty to prefer them to that officer in the first instance. It shall in like manner be competent to the Governor General to fix, by an order in Council, the period at which the special powers given as above to a collector, and the authority to be ordinarily exercised by those officers on the occasion of making settlements, shall cease and determine.

Governor General may fix by proclamation period for which collectors are to exercise judicial powers under this Regulation.

Third.—No complaint or application of the nature specified in the preceding clauses shall be received by a collector under the rules of this Regulation, unless the plaint or application shall have been preferred within the period of one year after the cause of action shall have arisen.

Collectors shall not take cognizance of complaints specified in preceding clauses, unless preferred within one year.

XXI. In summary suits for rents and the like, wherein special rules have been prescribed for regulating the process of the courts, the collectors shall be guided by the same rules, and shall exercise the same powers and authority as are or may be lawfully exercised by the Zillah and city judges. In other cases falling under their cognizance, according to the provisions of this Regulation, the ordinary process for securing the attendance of the defendant or party otherwise impleaded, shall be to issue a notice reciting the matter, and requiring the defendant or other party to attend in person, or by representative, at such time and place as may be made choice of by the collector for conducting the investigation; should any party fail to attend after being served with a notice of the above description, or should the return of the nazir or person employed to serve the notice be, that after diligent search the party or parties cannot be found, proclamation shall be made in writing, to be stuck up at or near the ordinary residence of the party, stating that after fifteen days from the date of publishing the same the case will be liable to be brought up for trial and judgment; and any party implicated, who having been served with the notice above described shall fail to attend, or who shall continue to absent himself, will be as much bound by the judgment that may be passed as if he or they had been in attendance to plead.

Collectors by what rules of practice to be guided, and what processes to issue.

XXII.—Sections XVIII. and XIX. Regulation VIII. 1819, are hereby extended to all the provinces immediately subject to the Presidency of Fort William, and the provisions of the said Sections shall be applicable to the proceedings of collectors held under this Regulation; provided, however, that whenever it shall be desired to apprehend a defaulter residing out of the jurisdiction of the collector by whom the suit relative to the alleged arrear may be cognizable, the process of arrest shall be served through the judge of the district where the alleged defaulter may reside.

Section XVIII. and XIX. Regulation VIII. 1819, extended and declared applicable to cases tried by collectors under this Regulation.

XXIII. *First.*—It is hereby declared and enacted, that in so far as concerns the summoning and examination of witnesses, the penalties for false testimony, for resistance of process, contempts, and all other similar matters connected with cases under cognizance before the collectors of land revenue, or other officer, by virtue of the powers vested in them by this Regulation, or any other Regulation whereby collectors are vested with judicial powers, their cutcherry or office for the time being being shall be deemed and held to be a court of civil judicature.

Collector's Cutcherry shall be held a court of civil judicature; and his decisions shall be deemed to be judicial awards.

Second.—Provided also, that the regular suits which may be brought to contest decisions passed by collectors, under the powers vested in them by Sections XI., XII. XIV. XV. XVI. XVII. XVIII. XIX. and XX. shall be of the nature of an appeal to court in its regular jurisdiction from a summary award. It shall not therefore be necessary for the collector or other officer of Government to be a party in the action.

Third.—Collectors of the land revenue are hereby empowered to execute all awards made by them under the rules of this Regulation, in cases wherein a specific sum of money shall be adjudged to be due, or any costs or damages be awarded; the collector decreeing the same shall proceed to levy the amount for the party in whose favour it may be adjudged, by the process in use for the recovery of arrears of

Collectors authorized to execute awards made by them.

the Government revenue; provided, however, that he shall not sell any lands, houses, or other real property, in satisfaction of any judgment passed in favour of any individual, on a summary inquiry. In cases wherein possession of lands, houses, watercourses, or the like, may be adjudged, it may and shall be lawful for the collector making the award to deliver over possession in the same manner, and with the same powers in regard to all contempts, resistance, and the like, as are or may be lawfully exercised by the courts in giving possession to an auction purchaser; and the zillah or city adawluts shall support the collectors in the exercise of the above power, and shall give effect to any orders passed by them in pursuance of it, in the like manner as if the same had been passed by themselves. Collectors are further hereby empowered to place one or more peons, mirdahs, suwars, or the like, to aid in the maintenance of possession for the party to whom it may be awarded, in case of his deeming such a measure necessary or expedient.

Collectors authorized to depute native officers to make inquiries preparatory to settlement.

XXIV. *First.*—It shall and may be lawful for a collector, or other officer exercising the powers of collector, preparatory to making or revising a settlement as aforesaid, to depute any tuhseeldar, kanoongoe, aumeen, or other fixed or temporary officer, to any village or mehal, whether the same be managed by a zemindar or farmer, or be held khas, to inquire into the various matters which such collector or other officer is required or empowered to investigate, in order to form a settlement in the mode prescribed by this Regulation. Any such native officer so deputed as above shall be deemed to be vested with the power of summoning and examining putwarries, gomashtahs, or other persons by whom the accounts of the village or mehal may be kept, in the same manner and with the same powers as is provided for officers deputed under Section XXV. Regulation XII. 1817. Furthermore, in case the collector or other officer may so prescribe, the said tuhseeldar, or other person, shall be empowered to make a measurement of the village or mehal, into which they may be deputed, and to summon any mocuddums, pudhans, ryots, or other residents, and to call upon them to point out the boundaries of such village or mehal, and to furnish information as to all matters relating to the land, and the rights and interest attaching thereto; and any person contumaciously withholding information from an officer deputed as aforesaid, shall be liable, on the same being established to the collector's satisfaction, to the same penalty as is prescribed for putwarries refusing to attend or give evidence.

Resistance or obstruction of the process or order of a collector, how punishable.

Second.—Provided also, that any person who may by force or threats obstruct or resist the execution of any legal process, requisition, or order of a collector or other revenue officer, shall, in addition to the penalties prescribed by the existing Regulations for such act, be liable to a fine not exceeding two hundred rupees, or to imprisonment in the Dewanny jail for a period not exceeding two months; the said fine or other penalty to be adjudged by the collector, after proceeding duly held and recorded, and the sentence to be immediately reported to the Board to which he may be subject.

Police officers to aid and support the execution of process and orders of collector.

Third.—Provided further, that all police officers shall aid and support the execution of all process and orders issued by a collector or other officer aforesaid, on the responsibility of the officer issuing or executing the same; and if any affray or breach of the peace shall occur in consequence of any resistance or obstruction being made, or attempted to be made, to the legal process or order of a collector or other revenue officer, the parties resisting or obstructing such process or order shall be punishable for the affray or breach of the peace, and the revenue officers shall not be liable to any criminal prosecution on that account.

Parties in suits tried by collectors, may employ any vakeels or agents they think proper.

XXV. It shall be competent to the parties in all suits, the cognizance of which is hereby vested in the collectors of revenue, to employ any agent, vakeel, or representative, whom they may think proper to appoint, to act and plead in their behalves, provided such agent, vakeel, or representative, be duly empowered by the parties. The rate of remuneration to such agent or vakeel shall be left to be adjusted between himself and his constituent, but no greater sum shall be awarded on this account for costs payable by the party against whom the judgment may be passed than what may be deemed by the collector a fair equivalent for the attendance of such agent.

What pleadings to be required.

XXVI. No other pleadings shall be required from the parties in such suits than a plaint and answer; provided, that if the parties should at any time wish to file an amended

amended plaint or an amended answer, or any explanatory motion, such subsidiary pleadings shall be received.

Stamped paper to be used.

XXVII. The mooktarnamas or vakalutnamas, and the pleadings and final decree in such suits, shall be written on stampt paper of the value of eight annas, whatever may be the amount of the suit; and no fees shall be taken on exhibits tendered in the cause, or for the witnesses required by the parties; nor shall it be necessary for the parties to present a written motion on stampt paper for the filing of such exhibits, or for the summoning of such witnesses.

Collectors may try and determine suits in any part of their districts.

XXVIII. It shall be competent to the collectors to hear and determine such suits in whatever part of the district they may occasionally be or reside, provided that every hearing and decision be in public cutcherry, or in some other place open to the public, and in the presence of the parties, or of their constituted agents or vakeels, if in attendance.

Decisions how appealable to Boards.

XXIX. *First.*—The decisions of the collectors on all such suits shall be appealable to the Board of Revenue, or other authority exercising the powers of that Board. The petition of appeal shall be presented either to the collector, or to the Board, at the option of the party, and shall be written on stampt paper of the value of two rupees, but no petition of appeal shall be received after the expiration of three months from the date of the decision, unless sufficient cause shall be shown for the delay to the satisfaction of the Board; provided also, that the Board shall not be required in ordinary cases to go into a regular investigation of the merits, but shall be authorized to dismiss the appeal without further investigation, in all cases in which, on a consideration of the final robucaree of the collector, they may not see ground to consider the decision of that officer to be unjust, erroneous or doubtful, or his proceedings in the case irregular or imperfect; provided also, that in all cases in which the collector may dismiss the suit for non-attendance, or on some other ground of default, without an investigation of the merits of the case, it shall be competent to the Board to direct a new trial, and in cases in which he may neglect or delay the investigation or decision of a suit without sufficient cause, it shall be competent to the Board to interfere, and to cause the collector to proceed upon the inquiry into and determination of it.

Board how to proceed on such appeals.

In what cases Board may direct a new trial, or interpose to correct neglect or delay.

What pleadings to be required in appeals to Boards.

Second.—No pleadings, except the petition of appeal, shall be required in such appeals, nor shall any fees be taken by the Board on the exhibits originally filed, or on any further documents which the Board may think it necessary to call for.

Third.—If the parties choose to employ in the pleading of such appeals the same agents or vakeels who were previously employed by them in the original suit, no further mooktarnamah or vakeelutnama shall be required of them.

Respondents to receive notice, but not to be required to appear.

Fourth.—The respondent shall receive notice of the appeal, but shall not be compelled to appear in person, or by vakeel, and the appeal shall be decided on the merits of the case, notwithstanding his absence, in the same manner as if he had attended.

Boards decision to be final as to the result of summary inquiry.

Fifth.—The decision of the Board shall be final in as far as concerns the result of the summary inquiry of the collector, and shall be rendered in a Persian robucaree written on stampt paper of the value of two rupees.

But decision of Board and Collector may be contested by regular suit in Adawlut.

Sixth.—Any person, however, dissatisfied with the summary judgment of the collector or the Board, and desirous of a more full and formal decision, shall be at liberty to prefer a regular suit to try the merits of the case in the Zillah, or other similar or superior court in which it may be cognizable. In such cases the summary judgment of the collector, if not reversed or staid by the Board, shall be carried into effect, notwithstanding the institution of the regular suit.

Parties having claims cognizable by collectors, and not wishing a summary trial, may in the first instance bring a regular action in the Adawlut.

XXX. All persons having claims or complaints to prefer of the nature of those made cognizable by collectors under the provisions of this Regulation, and not wishing to avail themselves of the summary process authorized in that court, shall be at liberty to institute their claims or complaints in the first instance, by a regular suit before the local moonsiff, or in the Zillah or City Adawlut, or Provincial Court of the division, according as the suit may be cognizable in these courts respectively, under the general Regulations for the administration of civil justice.

On appeal to a court against the decision of a collector, the

XXXI.—*First.* Whenever a regular suit may be instituted in a civil court, with a view to set aside or alter a summary judgment passed by a collector, the proceed-

proceedings held by that officer ſhall be called for and filed in the caſe.

ings held on the summary inquiry shall be called for by precept from the court, and filed on the record of the case.

No ſuch appeal cognizable by, or referrible to any regiſter, ameen, or moonſiff.

Second.—Provided also, that no such suit shall be cognizable by, or referrible to, any register, sudder ameen, or moonsiff; and all registers, sudder ameens, and moonsiffs, shall in cases tried by them be held and bound by the decisions passed, and record prepared, by collectors or other revenue officers under the provisions of this Regulation, unless the same shall have been rescinded or altered by the Board, or by the zillah, or other similar or superior court on a regular suit.

Periodical Reports to be furniſhed by collectors to Boards.

XXII. The collectors shall transmit to the Boards such periodical reports of the causes decided by, or dependiug before them, as the Boards may direct, and the Boards will also furnish to Government such abstracts of those reports, and such reports in the cases received and determined by them in appeal, as the Governor General in Council shall from time to time require.

Collectors authorized to refer certain caſes to arbitration.

XXXIII. *First.*—It shall be competent to collectors, or other officers exercising the powers of collectors, to refer to arbitration any disputes cognizable by them under the provisions of this Regulation, as well as any questions or disputes of any kind respecting land or the tenures therein, or the rights dependent thereon that may come before them, provided the parties consent to that mode of adjustment, and on award being made, to cause the same to be executed. In referring cases to arbitration under the above provision, and in their general proceedings relative to such suits, the collector shall be guided by the rules contained in Regulation XVI. 1793, and the other corresponding enactments, and in Regulation VI. 1813, in so far as the same may be applicable, and shall be competent to vest in the arbitrators the same powers and authority in regard to the summoning and examination of witnesses, and the administration of oaths, and to enforce the orders passed by the arbitrators under such powers, in the same manner as the courts of judicature are empowered to do; and all awards made on such references shall, when confirmed by the collector, have the same force and validity as a regular decree of the Adawlut, and shall not be liable to be reversed or altered, unless the award shall be open to impeachment on the ground of corruption, or gross partiality, or shall extend beyond the authority given by the submission of the parties, and such ground of impeachment shall be established in a regular suit in the zillah, city or other superior court, wherein the case may be cognizable.

Force of awards paſſed on ſuch reference.

Matter of arbitrament to be diſtinctly ſpecified in collector's proceedings.

Second.—In referring any dispute to arbitration, the collector shall be careful to specify in his proceedings, and in the deed of arbitration to be executed by the parties, the precise matter submitted to the arbitrators, and if the award first made by the arbitrators shall not include all the points submitted to them, or shall be otherwise incomplete, it shall be competent to the collector again to refer the matter to them, with directions to perfect their award.

Canoongoes and tehſeeldars may be employed as arbiters.

Third.—The pergunnah canoongoes and tehseeldars may be appointed arbitrators in any case referred to arbitration under the above rules; any thing in the existing Regulations notwithstanding.

Collectors in what caſes to interfere of their own motion in caſes of diſputed poſſeſſion.

XXXIV. *First.*—When a collector, or other officer exercising any of the powers vested in collectors by the rules of this Regulation, relative to complaints of dispossession, or disturbance of the possession of lands or premises, shall learn, either by a reference from the magistrate, or by a report from any other public officer or otherwise, that any disputes exist within the tract placed under his jurisdiction relative to any lands, premises, crops, orchards, pasture grounds, fisheries, wells, watercourses, tanks, reservoirs, or the like, likely to terminate in the breach of the peace, it shall and may be lawful for the collector, or other officer aforesaid, to require the contending parties to attend in person, or by representative, at a stated time and place, and after investigating the case in the presence of the parties, or their representatives, or such of them as may attend, or referring it to arbitration as above prescribed, to decide the case in the same manner as if it had been brought before him by the complaint of one of the parties; provided also, that if the fact of previous lawful possession cannot be ascertained, it shall be competent to the collector, subject to the orders and direction of the Board, to decide on the question of right, and to give possession to one of the contending parties, leaving the other party to contest the decision by a regular suit in court; but no such decision shall be passed

And to give poſſeſſion to one of the contending parties.

by

by any collector until he shall have instituted a careful inquiry into the fact of possession, and the Board shall be careful to see that this restriction is observed; provided further, that in such cases it shall be competent to the collector to attach the disputed lands, premises, &c. as aforesaid, and to appoint an officer to the management of the same, retaining in deposit the rents and produce, or such portion thereof as may remain after discharging any public revenue demandable therefrom, with the charges of management, until one of the contending parties shall be placed in possession.

Collector may attach disputed lands, &c.

Second.—Whenever any Magistrates or joint Magistrates shall have before them any suit, complaint, or information relative to any dispute regarding lands, premises, crops, watercourses, or the like, which may appear likely to terminate in a breach of the peace, or which it may otherwise be desirable to bring to an immediate decision, it shall be the duty of such Magistrate or joint Magistrate, in cases in which the collector shall be vested with the cognizance of such actions, to certify the case to that officer, and the collector will then forthwith proceed to investigate and determine the case under the rules above prescribed; provided also, that in all cases of forcible dispossession, or forcible disturbance of possession, the collector shall invariably transmit to the Magistrate or joint Magistrate a copy of the first proceeding held by him in the case, and also a copy of the robucaree containing his final award.

Magistrates and joint magistrates in what cases to refer disputes to collector.

Third.—The collector shall in all such cases use every proper means for inducing the parties to refer their disputes to arbitration, in like manner as the Dewanny courts are directed to do.

Collector to encourage arbitration.

XXXV.—Whenever the term 'Board of Revenue,' or 'Board of Commissioners,' may occur in this or any other Regulation, the same shall be held and considered to apply to any Board, Committee or Commission, and to any member of such Board, Committee or Commission, that may be vested by the Governor General in Council with the powers and authority of the Board of Revenue, save and except in so far as may be otherwise specially declared and provided. In like manner all rules in this or any other Regulation, whereby any duties or powers may be prescribed for, or vested in collectors, shall be held and considered to be equally applicable to any officer exercising the authority of collector under the orders, or with the sanction of the Governor General in Council.

Meaning of the term Board of Commissioners, &c. as used in this and other Regulations.

Rules regarding collectors, to apply to any officer exercising authority of collector under orders from Government.

A. D. 1822. REGULATION VIII.

A REGULATION to declare that Persons charged with crimes and misdemeanors must ordinarily be brought to trial at the Foujdaree Court, or Sessions of the district in which such crimes or misdemeanors may be perpetrated; and to vest the Governor General in Council, and the Nizamut Adawlut, with a discretionary power as to the place of trial:—Passed by the Governor General in Council on the 12th September 1822, corresponding with the 28th Bhadoon 1229 Bengal era; the 11th Assin 1230 Fussily; the 29th Bhadoon 1230 Willaity; the 12th Assin 1879 Sumbut, and the 25th Zeilhijah 1237 Higeree.

ALTHOUGH the Regulations of Government contain no specific provision to the effect, it is nevertheless an established principle of law and usage, that persons charged with criminal offences shall (save under special ground of exception) be tried for the same in the Foujdaree Court, or at the sessions of jail-delivery held for the zillah or city within the jurisdiction of which the acts charged may have been committed. In some cases, however, a rigid adherence to this principle is productive of great inconvenience to parties and witnesses, and in its consequences obstructs the course of justice; moreover, there are circumstances in which it is desirable, for political reasons, that a trial shall be removed from one district in order to be brought on at some other, where it can be more safely or expeditiously conducted. Instances have occurred in which trials have heretofore been removed for such causes, but the existing Regulations are defective, inasmuch as, besides containing no specific declaration of the general principle, they do not sufficiently provide for the course to be adopted where special grounds of exception may exist. It has consequently been deemed necessary as well to declare the principle

Preamble.

as to provide by a specific enactment for the exercise by the Governor General in Council, and by the Nizamut Adawlut, of a dispensing power in regard to the place at which prisoners shall be brought to trial for the offences with which they may be charged. It has likewise been deemed advisable to declare specifically the competency of the Governor General in Council to determine where, and in what manner, jail-deliveries shall be held for districts or portions of districts placed temporarily or permanently under the authority of joint Magistrates, or other similar officers. The following rules have accordingly been enacted, to be in force from the date of their promulgation throughout the territories immediately subordinate to the Presidency of Fort William.

II. In explanation of the rules contained in Sections V. and VI. Regulation IX. and Section XVI. Regulation XXII. 1793, together with the corresponding rules for Benares, contained in Section IV. Regulation XVI. and Section XV. Regulation XVII. 1795, and those for the ceded and conquered provinces, contained in Sections V. and VI. Regulation VI. and Section XVI. Regulation XXXV. 1803, and generally of the rules applicable to the limitation of the jurisdiction to be exercised by Magistrates in the cognizance of criminal charges, and in the trial or commitment of prisoners upon the same, it is hereby declared, that nothing contained therein shall be deemed or construed to empower a Magistrate to try and pass sentence, or to commit for trial at the Sessions of jail-delivery for his district, any person or persons charged with an offence not perpetrated within its limits, except under special authority of the Governor General in Council, or of the Nizamut Adawlut. Should, therefore, proceedings have been instituted by any Magistrate against any person or persons residing within his jurisdiction, on account of an offence perpetrated beyond its limits, or should it appear in the course of the investigation of any case, that the act charged was not perpetrated within the limit of the Zilla or City, but in some other jurisdiction, it shall be the duty of the Magistrate who may have commenced proceedings, or who may be conducting the investigation, to send over the parties and witnesses, together with all the proceedings he may have held thereon, to the Magistrate of the district within which the crime may appear to have been committed, in order that the parties may be there dealt with according to law; provided, however, that in case the immediate adoption of this course should be attended with very great inconvenience to the parties and witnesses, or in case there should be other circumstances to make it desirable, in his opinion, that the trial should be brought on or completed at the station at which the proceedings may have been instituted, it shall be competent to the Magistrate to suspend the transfer above prescribed, and to report the circumstances, for the orders of the Nizamut Adawlut: Provided further, that nothing contained in this Section shall be held or deemed to interfere with the course prescribed by Regulation V. 1809, and Section VI. Regulation I. 1822, for the trial and sentence of persons committing offences beyond the frontier of the Company's territories.

Nothing in existing Regulations to empower magistrates to pass sentence, or commit for trial, by the Court of Circuit, for offences committed out of their jurisdiction.

Except under authority of Government, or of the Nizamut Adawlut.

If the offence charged be perpetrated beyond jurisdiction, the magistrate to send proceedings, parties and witnesses, to the magistrate of the district in which it was perpetrated.

But may suspend for special reasons, and refer the case to the Nizamut Adawlut for orders as to place of trial.

Above rule not to interfere with Regulation V. 1809, and Section VI. Regulation I. 1822.

III. *First.*—It shall be competent to the Governor General in Council, whenever he shall see sufficient reason for ordering the trial of any person or persons charged with a criminal offence to be conducted in a different zilla or city from that in which the act may have been perpetrated, to issue his instructions to that effect, and the Magistrate of the zilla or city in which the trial is to be conducted, as well as the Magistrate of the district from which the case is to be transferred, shall be bound, on the receipt of orders for the purpose under the official signature of a Secretary to Government, to proceed to bring the party to trial at the place fixed therein, in the same manner as if the offence charged had been committed within that jurisdiction. Notice of every such order shall be immediately given to the Nizamut Adawlut, and to the Court of Circuit for the division within which it is intended, that the trial shall take place, and those Courts shall be bound to proceed under the existing Regulations, in the same manner as if the trial had been brought on in its proper district.

It shall be competent to the Governor General in Council to order a trial to be conducted at any station, other than that of the district where the offence was perpetrated.

And to issue orders to magistrates for the purpose.

Notice to be given to Nizamut Adawlut and Court of Circuit, who will be bound to proceed with the trial, &c. where ordered.

Second.—In the like manner, it shall be competent to the Nizamut Adawlut to order a trial to be brought on at the station or jail-delivery of any zilla or city Magistrate, other than that of the district within which the crime may have been perpetrated, whenever, either from the Magistrate's representation, or from other information, it shall appear to the Court, on substantial grounds, to be recorded on their proceedings, that such measure will promote the ends of justice, or tend to the general convenience of the parties and witnesses without hindrance thereto. An order under the official signature of the Register of the Court shall be sufficient authority

It shall be competent to the Nizamut Adawlut, to order removal of a trial when the ends of justice, or convenience of parties, may be promoted thereby.

Official letter of the Register to be authority for the same.

authority for the Magistrate and Court of Circuit to proceed to the trial; any thing in the existing Regulations to the contrary notwithstanding.

In case trial in a different zilla from that of perpetration be ordered by Government, or the Nizamut Adawlut, magistrates bound to conform to instructions of the authority ordering the same.

IV. When a trial shall be removed from one zillah, to be conducted or completed in another, in consequence of an order of Government or of the Nizamut Adawlut, under the discretionary powers reserved in the preceding Section, or when a trial shall be ordered to be carried on in the district where the proceedings may have been instituted, instead of being transferred to that in which the crime was perpetrated, the Magistrates of the several districts, having relation to the case, shall be bound to conform to any instructions they may receive from the authority issuing the orders, and the trial held and sentence passed in consequence, shall be of the same legal effect as if the whole had been conducted at the station of the district within which the crime was perpetrated.

Above rules equally applicable to Magistrates, joint Magistrates, Superintendents of Police, &c. as to Magistrates.

V. The foregoing rules, in so far as they apply to the Magistrates, will of course be equally applicable to Joint Magistrates, to the superintendents of Police, and to all other officers exercising the function of Magistrate.

Declaration that in case a joint Magistracy or the like be created, Government shall be competent to settle how and where its Sessions of Jail-delivery shall be held.

Notice to be given to Nizamut Adawlut, who will carry the same into execution.

VI. It is hereby declared, that in case of an officer being vested with magisterial powers, and deputed permanently or temporarily to exercise them within a portion of a district, or of an officer's being placed in charge of a tract of country comprising portions of several jurisdictions, it shall in such case be competent to the Governor General in Council, at the time of creating such an authority, or at any time subsequently, to determine and prescribe, by an order under the official signature of a Secretary to Government, at what station and in what manner prisoners committed to take their trial before the Court of Circuit for offences perpetrated within the limits assigned to such officer, shall be brought to trial for the same. Notice of every such determination will of course be given to the Nizamut Adawlut, and that Court shall be bound to take the necessary steps to carry the same into execution.

A. D. 1823. REGULATION IX.

A REGULATION to extend the rules of Regulation V. 1809, and of Section VI. Regulation I. 1822, to Emigrants from foreign states, and other aliens settled in the British territories, or living and residing therein for a period of six months and upwards; also to provide for the execution by Zilla and City Magistrates, of Sentences passed by Tribunals established by Government in Countries not subject to the general Regulations:—Passed by the Governor General in Council on the 19th September 1822; corresponding with the 4th Assin 1229 Bengal era; the 18th Assin 1230 Fussily; the 5th Assin 1230 Willaity; the 4th Assin 1879 Sumbut, and the 2d Mohurrum 1238 Higeree.

Preamble.

THE rules of Regulation V. 1809, and of Section VI. Regulation I. 1822, for the cognizance of offences committed beyond the frontier, are subject to the restrictions contained in Section II. Regulation VIII. 1813, which provides that "the "said rules shall be considered applicable to the three following classes of persons, "and to no other."

First.—"Natural-born subjects of the British Government in India. *Second.* "Natives of India who may have become subjects of the British Government in "India, by the conquest or cession of the places in which they were born, for acts "done by them subsequently to the period of such conquest or cession. *Third.* "Natives of the foreign states of India, in the Civil or Military Service of the "British Government in India, while actually in such service, and during six "months after they shall have quitted the British territories; or (supposing them "to be stationed out of the limits of the British territories) after they shall have "quitted the service." In consequence of these restrictions there exists at present no legal method of bringing aliens and others, not specified in the above rule, to justice for offences committed by them beyond the frontier; nor is there indeed any mode of proceeding against them except to surrender them to the officers of the state within which the crime may have been perpetrated. Since, however, it is manifestly expedient that the Government should possess the same discretionary power of bringing all persons residing and living under the protection of its laws to trial by the established Courts for such offences, the Governor General in Council

has determined to extend the provisions of Regulation V. of 1809, and Section VI. Regulation I. 1822, to all persons whatsoever, other than British-born subjects of His Majesty, who shall have lived and resided for six months in the territories immediately subordinate to the Presidency of Fort William, or have otherwise settled therein, and become subject to its Government. It has likewise been deemed expedient to provide, by a legislative provision, for the execution by the several Zilla and City Magistrates of sentences passed by tribunals established for the administration of criminal justice in newly acquired countries, or in territories not subject to the operation of the general Regulations; and the following rules have accordingly been enacted, to be in force from the date of their promulgation:

The rules contained in Regulation V. 1809, and Section VI. Regulation I. 1822, are declared applicable to foreigners and others settling or residing for six months within the Company's territories.

II. In addition to the classes of persons specified in Section II. Regulation VIII. 1813, the rules of Regulation V. 1809, and of Section VI. Regulation I. 1822, are hereby declared to be applicable to all persons whatsoever, other than British-born subjects of His Majesty, who being resident within the Company's frontiers may have purchased any lands, or other immovable property, or hired the same for any period exceeding six months, or who may have otherwise fixed or may hereafter fix their residence in the Company's territories with the intention of settling therein, or who may in any manner have lived and resided therein for a period of not less than six months.

The Zilla and City Magistrates declared competent to give effect to sentences passed by the Criminal Courts in territories not subject to the operation of the general regulations.

III. *First.*—The several Zilla and City Magistrates are hereby declared to be competent to give effect to any sentence that may be passed by the criminal courts established, or that may be established under orders from the Governor General in Council, for the administration of criminal justice in territories appertaining to the Honourable Company's dominions, but not subject to the operation of the general regulations.

A warrant under the official seal and signature of the officer exercising criminal jurisdiction, declared to be a sufficient authority for the confinement, transportation, or punishment of a prisoner.

Second.—A warrant, under the official seal and signature of the officer or officers exercising criminal jurisdiction within such territory, shall be sufficient authority for holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond sea, or for inflicting any punishment defined and prescribed therein.

In cases of doubt as to the legality of such warrant, or the competency of the officer by whom it may have been issued, a reference to be made to the Governor General in Council, and in the mean time the prisoner to be detained in custody.

Third.—In the event of any doubt being entertained as to the legality of any warrant sent to be executed by any Zilla Magistrate, or as to the competency of the person or persons whose official seal and signature may be affixed thereto to pass the sentence and issue such warrant, a reference of the point shall be made to the Governor General in Council, by whose order on the case the Magistrates and all other public officers shall be guided as to the future disposal of the prisoner: pending any such reference, the prisoner or prisoners shall be detained in custody, in such manner and with such restrictions or mitigations as may be specified in the warrant.

The rules in force for the treatment and security of prisoners confined in gaols declared equally applicable to the cases of prisoners confined under this Section.

Fourth.—The provisions of the existing Regulations, and all other rules in force for the treatment and security of prisoners confined in the jails of this Presidency, shall apply and be of equal force and effect in the case of prisoners confined under this Section, as of other convicts detained under sentences of the criminal courts passed under the Regulations in force.

A. D. 1822. REGULATION X.

A REGULATION for exempting the Garrow Mountaineers, and other rude tribes on the North-Eastern frontier of Rungpore, from the operation of the existing Regulations; and for establishing a special system of Government for the tract of country occupied by them, or bordering on their possessions:—Passed by the Governor General in Council on the 19th September 1822, corresponding with the 4th Assin 1229 Bengal era, the 18th Assin 1230 Fusly; the 5th Assin 1230 Willaity; the 4th Assin 1879 Sumbut; and the 2d Mohurrum 1238 Higeree.

Preamble.

THERE exist in different parts of the territories subordinate to the Presidency of Fort William races of people entirely distinct from the ordinary population, and to whose circumstances therefore the system of government established by the general regulations is wholly inapplicable.—Such were the Mountaineers of Bhaugulpore,

gulpore, for the reclaiming of whom to the arts of civilized life special arrangements were made by Government with the chiefs, some time before the introduction of the present system. These arrangements still subsist, having been incorporated into the code by the provisions of Regulation I. 1796, under which an entirely distinct system has been established for the administration of justice amongst the inhabitants of that mountainous tract. Savage tribes, in some respects similar, exist on the North-East frontier of Rungpore, of which the race denominated Garrows, and occupying the hills called after them, are the principal. As yet little has been done to reclaim or civilize these people. The reciprocal animosity which subsists between them and the inhabitants of the cultivated country, prevents any extensive intercourse of a pacific nature; while on the contrary their mutual injuries have produced feuds leading frequently to disturbance and bloodshed. The zemindars of the frontier have, there is reason to believe, usually been the aggressors by encroaching on the independent territory of the Garrows and similar rude tribes, until, despairing of other resource, the latter are driven to seize occasions of private revenge and retaliation. These encroachments having been of long standing, several zemindars were, at the time of the perpetual settlement, in the receipt of incomes derived from cesses of various kinds levied from the tribes, and hence a portion of the tract of country occupied by them has been considered to lie within the operation of the general regulations as forming part of the zemindarees. This however, instead of conducing to reclaim the tribes to civilized habits, has rather had a contrary effect, the system being totally inapplicable to their savage and secluded condition, and being calculated to leave them at the mercy of the zemindars, rather than to offer any substantial means of redress. The condition of the Garrow Mountaineers, and of the other rude tribes on that frontier has, for some time past, attracted much of the attention of the Governor General in Council, and the circumstances which have conduced to check the progress of civilization amongst them have been fully investigated and ascertained. With a view, therefore, to promote the desirable object of reclaiming these races to the habits of civilized life, it seems necessary that a special plan for the administration of justice, of a kind adapted to their peculiar customs and prejudices, should be arranged and concerted with the head men, and that measures should at the same time be taken for freeing them from any dependence on the Zemindars of the British provinces; compensation being of course made to the latter for any just pecuniary claims they may have over them. Preparatory to the execution of measures adapted to this end, it has been deemed indispensable to suspend the operation of the existing rules for the administration of civil and criminal justice, and generally of the Regulations of Government within the tract of country comprised in or bordering on the hills and junguls occupied by these tribes, and to appoint a Commissioner with full power to conclude arrangements with the chiefs, and to conduct the entire administration of the tract in question, subject only to such orders and instructions as he may receive, from time to time, from the Governor General in Council. The following rules have accordingly been enacted, to take effect from the date of their promulgation, in the manner and within the limits therein described:

Separating the tract of country compriſed in the Thannas of Gwalpara, Dhoobree and Kurreebaree from the juriſdiction of the diſtrict of Rungpore, and declaring the operation of the exiſting Regulations to be ſuſpended, except ſo far as provided hereafter.

II. The tract of country now comprised in the Thannah jurisdictions of Gwalpara, Dhoobree, and Kurreebaree, in the district of Rungpore, is hereby declared separated from the said district; and the operation of the rules for the administration of the police and of civil and criminal justice, as well as those for the collection of the land revenue, customs, abkaree, and stamp revenues, together with all other rules contained in the Regulations printed and published in the manner prescribed by Regulation XLI. 1793, are suspended, and shall cease to have effect therein from the date of the promulgation of this Regulation, except in so far as may be hereinafter provided.

A Civil Commiſſioner appointed for the north-eaſt parts of Rungpore above deſcribed, veſted with the powers of adminiſtering civil and criminal juſtice, the collection of revenue and the ſuperintendence of the police in the manner preſcribed in this Regulation.

III. The administration of civil and criminal justice, the collection of the revenue, the superintendence of the police, and every other branch of government within the tract above described, are hereby declared to be vested in an officer appointed by the Governor General in Council, and denominated the Civil Commissioner for the North-Eastern parts of Rungpore; the said officer shall conduct the same agreeably to the principles and spirit of the existing Regulations, subject to the restrictions and modifications hereinafter provided, and to such other alterations and amendments as may from time to time be ordered by the Governor General in Council.

IV.—

Commiſſioner to exerciſe the functions of magiſtrate, and to have criminal juriſdiction in the trial and ſentence of perſons charged with offences to the extent of a Circuit Judge, but no Futwa to be required.

IV. *First.*—In the administration of criminal justice, the Commissioner shall be competent to exercise all the functions and authorities now exercised by magistrates in respect to the apprehension and trial of persons charged with offences; and further to hold trials and pass sentence to the extent permitted by the Regulations to a judge of circuit; but without reference of the proceedings for Futwa to a Mahomedan law-officer.

Commiſſioner and other officers acting under his control, ſhall ordinarily conform to the principles and ſpirit of the Regulations applicable.

But ſhall obey and conform to all ſpecial rules, and orders of Government.

Reſervation to the Governor General in Council of the power of regulating ſundry matters connected with the Commiſſioner's criminal juriſdiction.

Second.—In the exercise of the powers and authorities above conveyed to the Commissioner, he shall ordinarily conform to the principles and spirit of the Regulations applicable to such subjects; so likewise the police officers, and all other officers acting under his control: Provided however, that the Commissioner and all such officers shall be bound to conform to any special rules or orders that may from time to time be issued by the Governor General in Council for regulating the process before trial, or the forms of trial to be observed in the case of different classes of the population, and the same shall be to all intents and purposes legal and valid. Moreover it shall be competent to the Governor General in Council to extend, limit, or modify any part of the authority to be exercised by police officers, and likewise to confer on the Commissioner the power of granting conditional pardon to accomplices without previous reference to the Nizamut Adawlut, as required by the existing Regulations, or in any other way to extend or modify the magisterial and judicial functions vested in the Commissioner by the preceding clause of this Section. An order or resolution of Government, under the official signature of a Secretary to Government, shall be sufficient authority for such modification; any thing in Regulation XLI. 1793, or in any other Regulation of Government, to the contrary notwithstanding.

Proceedings in the trial of certain caſes to be referrible to the Nizamut Adawlut before final ſentence being paſſed by the commiſſioner.

Third.—If the Commissioner shall deem an offender brought to trial before him to be liable to a punishment exceeding that which by the existing Regulations a Judge of Circuit is competent to adjudge, without referring the case to the Nizamut Adawlut, he shall not pass any final sentence thereon, but shall transmit to the Nizamut Adawlut the record of the proceedings held on the trial, together with a full English report of the circumstances of the case, and of his opinion as to the guilt or innocence of the prisoner or prisoners tried, as likewise an explanation of any special custom of the parties or witnesses that may be necessary to the proper understanding of the proceedings.

The Nizamut Adawlut how to paſs judgment in ſuch caſes.

V. Upon the receipt of any trial referred by the Commissioner under the preceding Section, the Nizamut Adawlut shall, without submitting the proceedings for the futwa of their officers, proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner, with exception to the requisition of a futwa, as if the trial had been sent up in ordinary course from a judge on circuit.

Power of the commiſſioner in adminiſtering civil juſtice.

VI. In the exercise of the duty of administering civil justice within the tract defined in Section II. of this Regulation, the Commissioner shall hold a Court, and proceed, in cases wherein persons not of the race of Garrow Mountaineers, or other rude tribes are exclusively concerned, according to the existing Regulations, subject to the modifications provided for by this Regulation, observing as far as practicable the rules prescribed for Zillah Judges holding and presiding in the Adawluts of the country; provided however, that there shall be no limit to the amount for which a suit shall be cognizable by the Commissioner, and an appeal from his judgment shall not lie to the Provincial Court. If the stake or interest involved (calculated according to the rule contained in Section XIV. Regulation I. 1814,) do not exceed in amount or value the sum of 5000 sicca rupees, the decision passed on the case by the Commissioner shall be final. If the interest involved, calculated as above, exceed in value or amount the sum of 5000 rupees, an appeal shall lie in such cases direct to the Sudder Dewanny Adawlut, who will proceed in the hearing and adjudication thereof, in the same manner as in the case of appeals entertained by the Court from judgments of the Provincial Courts of Appeal. The Sudder Dewanny Adawlut shall likewise be competent to grant a special appeal in cases of a less amount than 5000 rupees, should there appear, either on the face of the decree, or from circumstances established to the satisfaction of the Court, substantial reason for concluding that there has been a failure of justice in the award of the Commissioners.

Suits exceeding in amount Rs. 5000 to be appealable to the Sudder Dewanny Adawlut.

Special appeal allowed, if under 5000 rupees.

VII.

VII. If the parties in a civil action be Garrow Mountaineers or of any other similar rude tribe, or if either of them be of that description, the form and process that may be sanctioned and prescribed by the Governor General in Council shall be adopted in the trial and adjudication of the matter at issue, and in the execution of the award; and any civil judgment that may be passed according to such form shall have full authority and effect in the same manner as a decree passed by a competent court of final jurisdiction.

The process and form of trial in civil actions between Garrows, and the like, or in which one of the parties may be of this description, to be as prescribed by the Governor General in Council.

VIII.—*First.* In the conduct of the revenue duties of the tract of country placed under the Commissioner, as well those relating to the customs, abkaree, stamps, and other miscellaneous items, as to the land revenue, the Commissioner shall observe the rules and principles of the general regulations, with such limitations and restrictions, as to the authority to be exercised by himself, as may be provided in the instructions he may receive from time to time from the Governor General in Council; provided however, that it shall be competent to the Governor General in Council to direct the separation, temporarily or permanently, of any tract of country occupied by Garrow Mountaineers or other rude tribes from the estates of any neighbouring zemindars to which the same may now be claimed to be attached; also to discontinue the collection by zemindars or others of any cesses, tributes or exactions, on whatsoever pretence the same may be levied from such people, and to make arrangements either for the remission of the same, or for their collection direct by the officers of Government, making such compensation to zemindars or others justly entitled thereto for the relinquishment of the same, as may to him seem most equitable and proper.

Rules under which the commissioner shall conduct the Revenue duties in the tract of the country placed under his control.

Proviso, declaratory of the competency of Government to separate tracts occupied by Garrows or the like from Zemindarees, and to discontinue the levy of cesses or the like, giving compensation when justly due.

Second.—No suit or action shall be entertained by any Civil Court having jurisdiction, or that may hereafter have jurisdiction, within the tract of country subject to the authority of the Commissioner, on account of any act of the above description done under the authority of the Governor General in Council.

No suit shall be entertained by any civil court within the tract of country subject to the commissioner on account of acts done as above.

IX. In all matters connected with the tract of country specified in Section II. or with the races of mountaineers and rude tribes above described, if from the want of any special provision, or from doubts as to the applicability of the rules in existence, any difficulty shall arise as to the course to be pursued, a reference shall be made to the Governor General in Council, to whom it shall be competent to prescribe, by an order under the official signature of a Secretary to Government, what specific measures shall be adopted in the particular instance, as well as to annul, modify, and explain any existing rules or orders.

All questions regarding the application of the rules in matters connected with the tract of the country described in Section II. of this Regulation, shall be referrible to the Governor General in Council.

A. D. 1822. REGULATION XI.

A REGULATION for modifying and explaining the existing Regulations relative to the sale of Land for the recovery of arrears of Revenue; for declaring Government not to be liable for any errors or irregularities in the proceedings of the Courts of Justice; and for making further provision for the conduct of the Revenue Officers in certain cases:—Passed by the Governor General in Council, on the 22d November 1822; corresponding with the 8th Aughun 1229 Bengal era; the 23d Kartick 1230 Fussily; the 9th Aughun 1230 Wilaity; the 8th Kartick 1879 Sumbut, and the 7th Rubee-ul-awul 1238 Higeree.

THE existing Regulations relative to the public sale of estates for the recovery of arrears of Revenue appear to be defective, inasmuch as they do not specify the conditions which are to be held necessary to the validity of such sales, nor define, with sufficient precision and accuracy, the nature of the interest and title conveyed to the persons purchasing estates so sold; various doubts have accordingly arisen on both these questions, which it appears necessary and proper to remove by a legislative enactment; and it is also expedient further to regulate the course of proceeding to be hereafter followed in regard to sales of the above description, in order better to guard against error or irregularity in the conduct of them. With the view too of securing the zemindars from the risk of that injury and hardship which experience has shown must, in many individual cases, result from the absolute confirmation of

Preamble.

sales in all cases in which the prescribed conditions may have been observed, it has appeared desirable, distinctly to vest the Revenue Boards with the power of annulling sales made by the collectors under their authority, not only in cases in which they may appear to have been irregularly conducted by those officers, but also in cases in which the defaulter may clearly appear to have been defrauded or deceived by his own agents, or in which the confirmation of the sale may from any cause appear to be a measure of excessive severity, or to be otherwise inexpedient or improper; cases also have occurred in which the revenue officers of Government having been executively employed in giving effect to orders issued by the Zillah Adawluts, which the decision of the superior Courts has declared to be irregular and illegal, Government has been held responsible for the acts done by the said officers in virtue of the orders aforesaid, contrary to the real intent and meaning of the existing law, and it has therefore become necessary to declare, that Government is not liable for any errors or irregularities in the proceedings of the Courts of Justice, whether the revenue officers may or may not be employed in giving effect to the proceeding or order deemed to be erroneous or irregular. It has further appeared expedient to make certain other additions and modifications in the Regulations prescribed for the conduct of the revenue officers. With a view therefore to the above objects, the following rules have been enacted by the Governor General in Council, to be in force from the date of their promulgation throughout the Provinces of Bengal, Behar, Orissa and Benares, and in the Ceded and Conquered Provinces, including the district of Cuttack.

Certain parts of the existing Regulations rescinded.

II. *First.*—Sections XIII. XXV. XXVI. XXVII. and XXVIII. Regulation XIV. 1793. Sections XIX. XXIX. XXXII. XXXIII. XXXIV. Regulation VI. 1795. Regulation V. 1796. Section XXVIII. and Clauses II. III. IV. and V. Section XXIX. Regulation VII. 1799. Sections III. V. VI. VII. and XI. Regulation I. 1801. Sections II. III. IV. V. VI. VII. VIII. IX. X. XI. XIII. XIV. Regulation XXVI. Clause V. Section XVII. and Sections XIX. and XXIX. Regulation XXVII. 1803, and Regulation XVIII. 1814, are hereby rescinded.

Further provisions rescinded.

Second.—Regulation XII. 1796, and Regulation V. 1800, in so far as the same are applicable to public sales for the recovery of arrears of Revenue, together with such parts of Sections III. XXIV. and XXV. Regulation XIV. 1793, Sections VII. and XXXI. Regulation VI. 1795. Section XXIII. Regulation VII. 1799. Section XXXI. Regulation XXVII. 1803, and of any other of the Regulations in force which prescribe, or shall be construed to prescribe, that the revenue officer shall issue any Tullub Chittee, Dustuk, or other process of demand on persons from whom arrears of Revenue, or other demands similarly recoverable, may be due, or that they shall attach the estates or farms in the possession or management of such defaulters, before bringing their property to a public sale as well as such part of the above-mentioned and any other Regulations which restrict, or can be construed to restrict, the powers of the revenue officers in selecting lands for sale on account of arrears of public revenue, or the period of sale, and which may not be re-enacted by this Regulation, are hereby rescinded.

Rules rescinded or modified by the said rules, or provisions still to be repealed or modified as heretofore.

Third.—The several rules and enactments rescinded, or modified by the provisions above recited, or any of them, shall be and continue repealed, or modified as heretofore.

Declaration as to the liability of lands to public sale for arrears of revenue.

III. *First.*—The Regulations of Government having made the estates of proprietors under engagements with Government primarily answerable by public sale for any arrear in the monthly payments of the Revenue, as defined in Section II. Regulation III. 1794, and in the corresponding enactments of the Regulations applicable to Benares, and to the Ceded and Conquered Provinces, and the property of all persons under stipulations with Government, whether as proprietors for their own estates, or as farmers or managers, and their sureties, being likewise answerable for such arrears, it is hereby declared and provided, that the Collectors of land revenue shall, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, be entitled to have recourse to this process for the realization of any arrear, or interest thereon, or other revenue demand that may be due from parties so under engagements, whether any other revenue process shall, or shall not have been issued, and at any time of the year when the same may be unpaid, subject only to such rules and restrictions as are specifically prescribed in this, or any other Regulation.

Second.

Second.—Estates under the superintendence of a Court of Wards shall not be liable to sale for arrears accruing during the period they may be so managed.

Eſtates while under Court of Wards not liable to ſale.

Third.—Joint estates shall not be liable to sale for arrears that may accrue during the progress of a butwarra or partition, until the expiration of the year within which the arrear may become due. In like manner, estates under attachment by order of the Courts of Justice shall not be liable for sale in the middle of the year, for arrears accruing during the period of such attachment.

Joint eſtates and eſtates under attachment, only to be ſold at the end of the year.

Fourth.—Provided further, that it shall be competent to the Governor General in Council to impose on the Revenue Boards and subordinate Revenue Authorities, such further restrictions in regard to the sale of lands for arrears of revenue as may from time to time appear necessary; and if any sale shall be made by any collector or other officer in contravention of an order or instruction issued by Government, such sale, though not voidable under the provisions of Section V. shall nevertheless be liable to be annulled by the Governor General in Council at any time within three years of the date of sale.

Further reſtrictions in regard to ſale of lands may be exerciſed by Government and by Boards, and Government may annul ſales at any time within three years, if made in contravention of ſuch inſtructions.

IV. Sales of land for arrears of revenue shall be made under the following rules by the collectors of revenue, or other officers authorized in that behalf by Government, and no sale made in conformity with the said rules, and duly confirmed by the superior Revenue Authorities, shall be liable to be annulled, set aside, or altered by any court of judicature, on account of any error or irregularity in the previous process used for the recovery of the arrear claimed, or on account of any error, irregularity, or omission whatsoever, not involving the failure of one of the conditions hereinafter specifically declared to be essential to the validity of public sales; but any person, who may consider himself aggrieved by any act or circumstance connected with a sale not amounting to such failure, shall have his remedy in a personal action for damages against the individual by whom, or by whose fault he may have been endamaged.

Sales for arrears of Revenue, to be made by revenue officers.

And not to be annulled except on ground ſpecified.

V. The conditions of the validity of a public sale for the recovery of arrears of revenue are the following:

Conditions neceſſary to validity of ſales.

First.—That the lands or mehal sold form the estate on account of which the arrear has accrued, or are parcel of such estate, and be liable to sale consistently with the principle and provisions declared and enacted in this Regulation; or if not the estate or parcel of the estate as aforesaid be the property of the defaulter or his surety, or being the property of such defaulter or surety, shall have been specially pledged to answer the demand in arrear.

Second.—That permission to make the sale shall have been received from the Boards of Revenue, or other authority exercising the powers of those Boards, previously to the day of sale.

Third.—That due notice of the demand, and of the intention of the collector to sell, as well as of the time and place of sale, shall have been given as hereinafter provided.

Fourth.—That some part of the amount demanded in the notice, or of the interest payable thereupon, shall be due at the time of the lot being put up.

Fifth.—That the sale shall be made at the time and place stated in the advertisement, and with due publicity and freedom, as hereinafter specifically directed.

VI. *First.*—Whenever a collector or other officer shall deem it necessary to resort to a sale of lands for the recovery of arrears of revenue, he shall transmit to the Board of Revenue, or other authority exercising over him the powers of that Board, a statement containing the name of the mehal or mehals proposed to be sold, the name of the registered proprietor or proprietors, or such of them as may be ordinarily used in designating the estate, the amount of the Government jumma, and of the arrear due. If the lands proposed for sale form a parcel or fractional part of an estate, the collector or other officer aforesaid shall further explain, for the information of the Board or other authority aforesaid, the grounds on which he may have fixed the proportional assessment. Along with the said statement, the collector or other officer aforesaid shall transmit a copy of the notice of sale, which he may have issued, or may propose to issue, under the rules hereinafter prescribed. The Board of Revenue, or other authority exercising the powers of that

Collector deſiring to ſell, how to apply for the Board's permiſſion.

Statement of lands for ſale to be forwarded.

With copy of notice.

Board how to proceed on receiving ſtatement from collector.

Board may poſtpone ſale.

that Board, on receiving the above statement, will determine on the propriety of resorting to a public sale. If they deem it necessary or proper to make the sale in the manner proposed, they shall communicate to the collector authority to that effect; if there shall be any cause why the sale should not take place on the day fixed by the collector, it shall be competent to the Board or other revenue authority aforesaid, at any time previously to that date, to appoint any subsequent day, and

Cauſing notice to be given of poſtponement.

they shall in such case instruct the collector to give notice of the sale being so postponed, in the manner hereinafter prescribed for cases of postponement, causing at the same time a notice of the postponement to be inscribed on the advertisement transmitted by the collector for publication in their Secretary's office. It shall be

Repeated poſtponement may be made by the Board.

competent to the Board, or other authority aforesaid, in like manner repeatedly to postpone the sale of any estate, in the event of any thing arising to render it expedient to do so.

If alteration made in the mehal to be ſold, its jumma, or in place of ſale, freſh publication neceſſary.

Second.—Provided however, that if the Board, or other authority aforesaid, shall see reason to direct the sale of a portion only of the lands proposed by the collector to be sold, or of different lands, or to make any alteration in the amount of the jumma proposed by the collector, or to change the place of sale, it shall in such case be necessary that a fresh lotbundee be prepared, and that a notification of the proposed sale be published in the district, and at the office of the Secretary to the Board, or other authority aforesaid, in the same manner and for the same period as is prescribed for the publication of advertisements issued in the first instance by the collectors.

Sales of land not liable to be annulled on ground of informality or omiſſion in communications between Collectors and Board, provided authority to ſell have been given.

Third.—No sale, whether made before or after the promulgation of this Regulation shall be liable to be annulled on the ground of informality, or omission in the communications that may have passed between the collector and controlling Board; provided that the Board shall have actually given authority to proceed to the sale of the specific lot sold.

In what caſes collector may advertiſe, without previous reference.

VII. *First.*—The following rules shall be observed in issuing notice of sale, after leave shall have been obtained in the manner prescribed in the preceding section; provided, however, that whenever a collector, proposing to have resort to a public sale of any estate for arrears of revenue, shall deem it desirable to avoid the delay incident to a previous reference to the Board, then, provided the arrear, or any part of it, shall have been due not less than fifteen days, it shall be competent to the collector to issue the notice of his own authority, without waiting the sanction of the Board of Revenue.

Notice of ſale what to contain, and how to be iſſued.

Second.—Every notice of the sale of lands for arrears shall, in case the lands be situated in Bengal or Orissa, exclusive of Cuttack, be written in the Persian and Bengallee languages; if in Cuttack, in Persian and Ooreea; and if in any of the other provinces, in Persian and Nagree. The aforesaid notice shall contain a statement of the demand on account of which the sale is to be made, and a specification of the estate or mehal to be sold, and of the jumma assessed on it, as well as of the day and place of sale.

Copy of notice to be ſtuck up in Cutcherry of collector, and in court.

Third.—A copy of the notice shall be stuck up in some conspicuous part of the collector's cutchery, or place of office for the time being, and another copy shall be sent to the judge, or other person in charge of the adawlut of the district in which the lands, or some part of them, may happen to lie, who shall on receipt of it cause it to be similarly exposed in a public part of his cutchery or adawlut; a

And in office of Board.

third copy shall be sent to the Board of Revenue, or other authority exercising the powers of that Board, for publication in the office of its secretary. A like notice

Publication made on eſtate.

shall be sent by a single peon to be published on the estate, or in the mofussil, in the

Manner of publication in Mofuſſil.

manner following: The peon shall first proceed to the cutchery or residence of the defaulter, and upon obtaining a receipt under his hand, or under that of his manager, shall leave the notice in the possession of either of those persons. If the peon shall not be able to obtain a receipt as above, he shall proceed to the cutchery of the canoongoe, moonsif, or thanadar, within whose jurisdiction the said cutchery or residence may be, and shall cause the notice to be affixed to some accessible and exposed part of the building, bringing away a receipt from the officer at whose station the publication may have been made. Provided however, that in case any malgoozar or malgoozars should give in a written application to the collector, praying that notices of arrears and of sales on account of the revenue due from them,

either

either on account of their estates generally, or for any estate specifically named, may be served on their agents, or at the house of any mahajun at the sudder station, or other person duly authorized on the part of such malgoozar, or malgoozars, to receive and forward the same to him or them, then the receipt of the person or persons so authorized shall be deemed a full and sufficient acknowledgment of the service of such notice, and the tulubana leviable on the issue of the same shall be calculated with reference to the distance of the residence of such authorized agents from the collector's office.

What publication sufficient for validity of sale.

Fourth.—No sale shall be liable to be annulled on the ground of any insufficiency of the notice given, provided it be satisfactorily proved, that the copy of the notice required to be sent to the court for publication was received by the judge, or other person in charge of the adawlut, for a period of thirty days prior to the date of sale; and provided there be sufficient evidence that the notice directed to be sent into the mofussil was received by the parties, or by any manager or agent on their part, or was published at a public cutchery after the manner provided, on a date prior to that on which the sale may have taken place, by not less than twenty days, or provided it be satisfactorily proved by other circumstances, or there be sufficient ground to presume that the defaulter was fully aware of the demand being outstanding against the mehal, and of the intended sale, for a like period before the day of sale.

Course to be followed by the collector, in case the registered proprietor of an estate ordered for sale be a native officer, or soldier on the regular military establishment of this Presidency.

Fifth.—Provided however, that if any of the registered proprietors of an estate which a collector may propose to bring to sale for arrears of revenue, shall be entertained as a native officer or soldier in the regular military establishment of this Presidency, and shall have notified the circumstance to the collector in the manner required by Clause I. Section IX. Regulation XV. 1816, it shall be the duty of the collector to follow the course prescribed in that section before proceeding to the actual sale of the estate.

What notice required in cases of postponement.

VIII. *First.*—In case of any sale being postponed, whether by orders of the Board of Revenue, or of any other authority exercising the powers of that Board, or in consequence of the Collector's seeing reason to put off the sale to a subsequent date, the collector shall, on or before the day originally fixed for the sale, stick up in his own cutchery an advertisement notifying the postponement, and the date on which the postponed sale is to take place, and shall transmit a counterpart to the judge of the district, who shall cause it to be similarly published at his court-house. This rule shall not however apply to cases in which any sale may have been postponed in consequence of any alteration in the lands advertised for sale, or of the jumma assessed thereon, or of the place of sale, in which case a fresh lotbundee and advertisement will be necessary, as above provided.

In what case fresh Advertisement to be issued.

What notice to be given in case of adjournment.

Second.—If, after the day appointed for the sale shall have arrived, and the assembly shall have been convened, the collector shall publicly adjourn the meeting, or put off the sale of any estate from day to day, either on account of illness, or because of the day's having closed, or from the press of other business, or as an indulgence to or at the request of the defaulters, or any of them, or for any other cause which he may deem good and sufficient in any such case, it shall be the duty of the collector to cause a notification of the circumstance to be inscribed in the original advertisement made in his cutchery over against the name of the estate or estates of which the sale may be put off; provided however, that if such adjournment shall take place after the bidding for any lot shall have begun, and before the lot is knocked down, the collector shall hold a proceeding recording the last offer, and the name of the bidder; and if he resume the sale at the adjourned meeting, he shall again put up the lot at the price so offered, unless the bidder shall have formally retracted his bid, or having been thrice called, shall not be forthcoming.

Proviso for cases in which the bidding may have commenced.

Declaration as to the application of the above principles to past sales.

IX. In regard to sales, which may have been made prior to the enactment of this Regulation, the decision of the courts on the question of their validity, in so far as relates to the adequacy of the notice which may have been served on the party, or otherwise issued, shall be guided by the principles stated in the fourth Clause of the 7th Section of this Regulation, that is to say, no sale shall be annulled by any of the said courts on the plea of want of due notice, provided it can be proved, or there be sufficient reason to presume, that a notice of sale in any one of the languages prescribed by the Regulations was served on the defaulter, or affixed or published in any part of the estate sold, one month prior to the date of actual sale, and that the purport of the notice was understood by the defaulter, his agents, or

two or more of the residents of the place who may have witnessed the publication; provided further, that in cases in which any sale made previously to the enactment of this Regulation may have been postponed from the day appointed by the advertisement to the next or ensuing day of public business, if the meeting was publicly adjourned, and the persons assembled were fully informed of the postponement of the sale, and attended accordingly in such number and manner as that the second meeting may be fairly deemed to have been a continuance by adjournment of the first, such sale shall not be liable to be set aside as void or invalid upon any plea that the notice or notices required in cases of postponement were not duly served or published.

Before sale, arrear to be ascertained.

X. *First.*—Previously to putting up any estate to sale it shall be the duty of the collector, or other officer holding the sale, to satisfy himself that some part of the advertised arrear, or of the interest and charges due on account of it, is still unpaid. If the defaulter, or any one in his behalf, shall deny the existence of an arrear, it shall still be competent to the collector or other officer to proceed with the sale, unless the sum demanded by him shall be paid in, or a tender made of government securities, or notes of the bank of Bengal, equivalent to the entire demand, and five per cent. in addition, to cover eventual charges, or unless a certificate be furnished under the seal and signature of the judge of the district, showing the amount to have been deposited in court.

Provision for sales held at the office of the Board.

Second.—Provided, however, that in cases of sales held at the office of the secretary to the Board of Revenue, or other similar authority, no payment or deposit made in the zillah shall be deemed sufficient to stay or invalidate a sale, unless the same shall have been made at such a period before the date of sale as to enable the collector, or other officer receiving the same, to communicate the information to the Board by the ordinary dâk, or unless the party shall himself produce to the officer conducting the sale a certificate of such payment or deposit having been made under the seal and signature of the collector, or judge of the district, before the lot is put up for sale.

Parties paying, or depositing amount demanded, may sue to recover.

Third.—Parties paying, or depositing as above, the amount demanded from them, will of course be entitled to sue under the rule contained in Section XXIII. of this Regulation, provided they at the time deny the justness of the demand in writing, and proceed within the prescribed period; but after a sale shall have been made it shall not be liable to be annulled by any Court of Judicature, on the plea that no arrear was justly due, unless the said plea shall have been preferred to the collector or the Board prior to the sale, or previously to its confirmation by the latter authority, or good and sufficient reason be shown why such denial could not be made: Provided also, that no claim to abatement or remission of Revenue, unless the same shall have been allowed by the authority of Government, nor any private demand, or cause of action whatsoever, held or supposed to be held by a zemindar or other engager against Government, shall be allowed to bar or in any way affect the right of Government and its officers, summarily to enforce the payment of the public Revenue by the sale of the lands or property of the person, so long as any part of the assessment for which such zemindar, or other person aforesaid, may be liable, shall remain undischarged.

Proviso.

Declaration as to arrears accruing under attachment, or during dispossession.

XI. All estates for which a settlement shall have been made being liable for the Revenue assessed upon them to the extent of the interests possessed by the person or persons who may have engaged with Government, as ratified and confirmed by the act of settlement, and by those deriving title from such person or persons, unless otherwise especially provided, no sale shall be annulled on the plea that the arrear demanded accrued while the engager or his representative was divested of possession and management of the estate sold by the act of an individual, or by the collector or other officer acting under the order of a Court of Judicature, or attaching the estate by virtue of the powers vested in him by this or any other Regulation.

Sales to be made conformably with Advertisement.

By whom, and where to be made, if at Board.

XII. Sales shall be made at the place and time specified in the advertisement. If the sale shall have been advertised to take place at the Board of Revenue, or other authority exercising the powers of that Board, then it shall be held in the building or tent used as an office by the Board, or authority aforesaid, or in some convenient and public apartment, or other open and convenient place thereunto belonging or adjoining, in the presence of the Secretary, or that of one of the Members of the Board, or other authority as aforesaid, or of a covenanted officer duly empowered by the same to hold the sale. If the sale shall have been appointed

to

to take place in the zillah, then it shall be held in the presence of the collector or other authorized covenanted civil servant in public Cutcherry, that is to say, in some building or tent used as an office, and open to the public, or other open and convenient place thereunto belonging or adjoining; provided also, that in the morning of the day of sale, and whilst the sale shall be going on, the collector or other officer shall cause a flag to be exhibited, or such other signal to be given at the door or gateway of the office where the sale may be conducted, as the Board of Revenue may direct.

And by whom, and when in zillah.

XIII. When the bidding shall have commenced, it shall be the duty of the collector to receive the bid of every one without inquiry, but prior to knocking down the lot and concluding the sale, he shall call upon the person who may have made the last offer, in order to satisfy himself on the following points:

Every one's bid to be received.

But before concluding sale, collector shall satisfy himself.

1*st*. That the bidder has the means of making the deposit hereafter directed to be taken.

1ſt. That bidder can make required depoſit.

2*dly*. That he is not the defaulter, or an officer of his own establishment, or a person acting on behalf of either the defaulter or such officer.

2d. That he is not a perſon forbidden to purchaſe.

3*dly*. That the person or persons named is or are the real *bonâ fide* purchaser or purchasers on their own account and risk.

3d. That the oſtenſible purchaſer is the real one.

XIV. *First*.—A deposit of 15 per cent. on the amount bid, or such other rate as the Board of Revenue, or other similar authority, may from time to time direct, shall be required by the collector from the person in whose name any lot may be knocked down, immediately on declaring the sale concluded, or as soon after as the collector may think necessary.

What depoſit to be made by purchaſers.

Second.—If the person who may have made the last offer shall not when called upon forthwith tender the prescribed deposit, the collector shall be at liberty to reject the bid, and to put up the lot again at the amount of the next highest offer. The person who may have made such offer shall have the benefit of his bid, and be held bound to maintain it, by tendering the required deposit, if no higher offer shall be made; and on his failure to do so the collector shall be competent to have recourse to the next highest bidder; provided however, that it shall at all times be competent to the collector, at his discretion, to commence the sale of the estate *de novo*, instead of concluding the sale with the next highest bidder.

If depoſit not tendered when required, the lot to be again put up.

Third.—Any person bidding at a public sale, who upon being called upon to conclude his purchase and lodge the prescribed deposit, may be unable, or may refuse to do so, shall be deemed guilty of contempt, and the collector shall be competent to impose a fine, of an amount not exceeding 100 rupees, for every such offence, and if the fine be not paid, to send the delinquent to the Judge of the district, who shall confine him in the civil jail until the fine is paid, or for a period not exceeding fifteen days.

Perſons failing to make depoſit, how puniſhable.

XV. *First*.—If at a public sale for arrears, the collector shall see reason to believe that the highest bidder, or person with whom he is about to conclude a sale, is purchasing for the defaulter, or has given in a fictitious name, concealing that of the true purchaser or purchasers, or has stated as the purchaser the name of a person other than the party or parties with whose money, at whose risk, and for whose benefit the purchase may have been made, or has concealed the name of any such party, it shall be competent to him to refuse to conclude the sale. In every such case however he shall hold a proceeding in the Persian language, stating distinctly the grounds of his belief, and the reason of his setting aside the individual, and disallowing his purchase; provided also, that in such cases the party so bidding shall be liable to a fine equal in amount to the deposit which would have been paid had the sale been concluded at the price bid, or to such other fine not exceeding that amount, as the Board may, on the report of the collector, see fit to impose; all such fines adjudged by the Board shall be recoverable by the process in use for the recovery of arrears of revenue from sudder farmers and their sureties.

In what caſes collector may refuſe to conclude a ſale with higheſt bidder.

Collector in ſuch caſes, to record the grounds of refuſal.

Penalty for bidding by defaulter, or Benamee if purchaſe be diſallowed.

Second.—It shall be in the power of any person whose purchase may be disallowed to appeal from the collector's order to the Board of Revenue, or other authority exercising the powers of that Board; and provided he give in to the collector a written protest, claiming the lot before the breaking up of the Cutcherry,

Perſons whoſe purchaſe is diſallowed by collector may appeal to the Board.

or at the next sitting of the collector, or transmit a petition to that effect to the Board within twenty-four hours of the conclusion of the sale, it shall be competent to the Board, or other authority aforesaid, to direct the sale to be concluded with the party disallowed, to the prejudice of any other purchaser at an inferior price.

The term defaulter explained to mean the person with whom settlement has been made by Government, or his representatives.

XVI.—The term defaulter, wherever used in this Regulation, shall be deemed and considered to designate the person or persons with or on account of whom the settlement of the land revenue may have been concluded with Government, or the heirs, successors or assignees of such person or persons in possession of the interest acquired or confirmed by such settlement: And it shall not be construed to include those proprietors, putteedars, village zemindars, or the like, who at the time of the settlement held distinct properties, though paying their revenue through the recorded malgoozar, save and except in so far as those persons may be expressly declared responsible to Government.

Sales not to be set aside on plea of wrongful disallowance, but defaulter, if aggrieved, may sue for damages.

XVII.—No sale shall be liable to be reversed on account of any proceedings, or order of the collector, or of the Board of Revenue, or other authority exercising the powers of that Board, touching the question of whether a purchase is to be allowed or not; nor shall any action lie against Government on account of any such proceeding or order.

Collector how to proceed in the case of purchase by Revenue officer.

XVIII. *First.*—Should the collector or other person conducting the sale, either at the time of concluding the sale, or at any subsequent time before the sale may have been confirmed by the Board of Revenue, or other authority exercising the powers of that Board, see reason to believe that the real purchaser is a person on his establishment, or in any way connected with the management of the collections of the zillah or pergunnah within which the lot sold may be situated, he shall nevertheless conclude the sale, and realize the purchase money, having recourse, if necessary, to the process prescribed for the recovery of arrears due from sudder farmers or their sureties. It shall in such case be his duty to institute an immediate investigation, in order to bring the matter to proof, and the result of any proceedings that may be held upon such an investigation shall be submitted to the Board of Revenue, or other authority aforesaid, who will determine whether the fact be established, or otherwise. Should they consider it to be proved that the real purchaser is an individual employed at the time on the collector's establishment, or otherwise in the collection of the revenue of the local division within which the lot is situated, the Board, or other authority aforesaid, shall report the circumstances to the Governor General in Council, who will, if he deem it expedient, direct the lot to be attached, and held for Government, or to be re-sold, or escheated, or otherwise disposed of at his pleasure. The amount of the purchase money shall in that case be credited to the defaulter in the same manner as if the sale stood good; and if the purchaser contest the fact of his being a person prohibited from purchasing, he shall have his remedy in an action at law, for the recovery of any amount he may have paid into the Treasury, with interest and damages.

Governor General may confiscate.

Purchaser may contest by suit in court.

Collector how to proceed, on discovery of Benamee purchase, before delivering possession.

XIX. If at any time after the conclusion of the sale, and before the receipt of the Board's confirmation and the delivery of possession, the collector shall see reason to believe that the name or names given in at the time of sale was or were other than the name or names of the real bonâ fide purchaser or purchasers, he shall be competent to stay delivery of possession, and to institute an investigation to bring the matter to proof. On completion of the inquiry he shall communicate the result to the Board of Revenue, or other authority exercising the powers of that Board, who shall be competent to annul the sale, and to direct the lot to be re-sold, and also to impose upon the party who bid at the sale such fine as they may see fit, not exceeding the amount of the deposit paid, or payable on the price at which the sale was concluded. The fine so imposed shall be realized from the deposit, if it shall have been paid, or shall be recoverable, if the deposit shall not have been paid, by the process in use for the recovery of arrears of revenue from sudder farmers and their sureties.

After possession given, the purchaser shall not be ousted without suit in court.

XX. *First.*—When the Board of Revenue, or other authority exercising the powers of that Board, shall have confirmed a sale, and possession shall have been given to the purchaser, he shall not be liable to be disturbed on the plea of any illegality in the purchase, excepting by decree of a Court of Justice in a regular suit.

Second.—

Proceſs to be followed in caſe of Benamee purchaſe diſcovered after poſſeſſion given.

Second.—If at any time after a sale may have been confirmed, and possession given, it shall be discovered that the real purchaser is the defaulter, or a person other than the person who may have been designated as the purchaser at the time of sale, and the fact shall be established by a decree of a Court of Judicature, whether at the suit of Government, or of an individual, in which latter case information shall be given by the Court passing the decree to the collector; then if Government or its officers were not a party to the suit, it shall be competent to the collector, with the sanction of the Board of Revenue, or other authority aforesaid, to impose on the party so offending a fine not exceeding 25 per cent. on the amount of the purchase money, or if it shall appear advisable, and provided a period of two years shall not have elapsed from the date of sale, to cancel the sale, and to dispossess the purchaser, or his representative or representatives, (if put in possession,) returning to him or them three-fourths of the price realized at the public sale.

Alſo where revenue officer may purchaſe.

Third.—If after possession has been given it shall be proved by a decree of Court, that an estate has been illegally purchased by a Revenue Officer of Government, whether the suit shall have been instituted by the collector on the part of Government, or by the former owner of the estate sold, or by any other party, who may be induced to prosecute by the hope of reward, by any or all of which persons a suit to enforce the prescribed Penalty may be brought, the Court shall, in case there be no appeal lodged from the decree, or if there be appeal, the Court passing the final judgment, shall forward the decree to the Governor General in Council, in order that a confiscation of the estate may be declared. The Governor General in Council will be at liberty to dispose of any estate so confiscated, according to his pleasure.

Collector how to proceed, if purchaſe money be not paid in 10 days.

XXI. *First.*—The entire amount of the purchase money shall, in all cases of sale for arrears of the public revenue, be made good by the 10th day from the day of sale; and if the whole sum, including the amount deposited, be not made good before noon of that day, it shall be competent to the collector, on the afternoon of the 10th day, or at such subsequent period as the Board of Revenue, or other authority exercising the powers of that Board, may from time to time direct, to notify by beat of drum, or by the issue of advertisements, or in such other manner as the Board or other authority aforesaid may direct, that the estate will be again exposed to sale on any subsequent day on which a sale of other lands may have been ordered to take place; and unless the first purchaser shall fully account to the satisfaction of the collector, or of the Board, for his failure to complete his purchase, the collector shall and may sell the estate so advertised for re-sale at the risk of that person, who shall on his default forfeit the amount he may have already deposited, and all claim to the possession of the estate, as well as to all excess that may be realized at the second sale beyond the price at which the lot may have been sold in the first instance. If the price realized at the second sale be less than that of the first, the difference shall be leviable from the first purchaser by any of the processes authorized for realizing an arrear of the Government revenue; the amount when recovered to be added to the purchase money, for the benefit of the defaulter, and if there is an advance on the re-sale, it shall be carried to the account of the defaulter.

Eſtate to be reſold at riſk of firſt purchaſer.

Or reſtored to late proprietor.

Second.—Provided also, that in such cases it shall be competent to the collector, with the sanction of the Board, instead of re-selling an estate, the purchaser of which may so fail to make good his purchase, to restore the estate to the original proprietor, on his discharging or making satisfactory arrangements for the liquidation of any arrears, which may be due therefrom, together with interest, and all expenses incurred by the sale, or other authorized charges for which he may be justly liable.

Purchaſe money how to be appropriated.

XXII.—When the purchase money payable on account of any estate sold for arrears of revenue, or re-sold on failure of the first purchaser, shall be realized, the balance on account of which the sale may have been made, as well as any former balances remaining due from the estate, with all interest and charges up to the day of sale, and also (unless otherwise specially stipulated) any subsequent kists that may have fallen due up to that date, shall first be made good to Government therefrom. The residue shall belong to the defaulter or defaulters, and be payable to his or their receipt upon demand. The purchaser will be answerable for the entire kists of the Government revenue that may be due on account of the month in which the sale is held, (unless otherwise specially stipulated), and for all subsequent kists; and it is hereby prohibited to the ryots and under tenants to make any payments on account

Reſponſibility of purchaſer for the Government Revenue, from what time to commence.

Under tenants not to pay any rent fall-

ing due after day of sale, without authority from collector.

account of rent, or revenue falling due subsequently to the day of sale, or on account of the month in which the sale may be held, to the defaulter, or to any person whatever claiming to collect them as sudder malgoozar, who may not bring a certificate or umulnama under the seal and signature of the collector, authorizing him to do so, or a receipt for the advertised balance.

Arrears due to defaulter to be recovered by suit in the usual form, unless transferred.

XXIII.—Arrears that may be due at the time of sale from the under tenants to the defaulter shall be recoverable by him by suit in court, in the usual form; but if he shall choose to transfer his right therein to the new proprietor, the latter may proceed against the defaulting under tenants for the recovery of the amount so due by them, in the same manner as if the arrears had accrued subsequently to his acquisition of the mehal.

Collector to report sales to the Board, and not to give possession until confirmed.

XXIV. *First.*—When any estate may be sold for the recovery of arrears of revenue, the collector shall, as soon as possible after the full amount of the purchase money shall have been realized, transmit a report of the sale and the accounts thereof, together with any proceedings he may have held upon the occasion, to the Board of Revenue, or other authority exercising the powers of that Board, for confirmation; and no sale shall be deemed absolute, or entitle the purchaser to assume possession of the lands sold, until the confirmation of the Board, or other authority aforesaid, shall have been received.

Persons objecting to sale may petition the Board, who will allow time before confirmation.

Second.—If the party whose lands may have been sold shall desire to contest the sale, it shall be competent to him to present a petition to the Board of Revenue, or other authority exercising the powers of that Board, at any time within thirty days from the date of sale, until which date the Board, or other authority aforesaid, shall not issue any final order of confirmation. Provided also, that it shall be competent to the Board, or other authority aforesaid, to allow a further term, in case they deem it necessary, for the purpose of investigation, or any other sufficient cause.

Board, may annul sales, and their order in that case shall be final.

Third.—If on perusal of the collector's proceedings, or the petition of the party, the Board, or other authority aforesaid, shall see sufficient ground for withholding their confirmation of the sale, it shall be competent to them to annul the sale, after making any further inquiry they may judge necessary, and they shall similarly be authorized to postpone their final orders for such time as may be requisite for the investigation of the case. The order of the Board of Revenue, or other authority exercising the powers of that Board, for annulling a sale, on whatever ground founded, shall be conclusive.

Sales may be contested by suit in court, though confirmed by Board.

XXV. If the Board of Revenue, or other authority exercising the powers of that Board, shall confirm the sale, it shall nevertheless be competent to the former proprietors, or any of them, to institute a suit in the civil court to contest its validity; and if it shall be established to the satisfaction of the court, that any one or more of the conditions above declared to be essential to the validity of a sale, have not been observed, it shall be competent to the court to annul the sale; provided however, that the court shall not admit or take up any such plea, unless the same shall have been urged by the party in his petition to the Board, or other authority aforesaid, or unless the failure to do so shall be satisfactorily accounted for.

But shall not be set aside, except on plea urged to the Board.

Suit to be dismissed if failure of some condition of validity be not proved.

XXVI. If the party suing shall fail to establish, to the satisfaction of the court, that the sale is invalid by reason of the failure of any of the said conditions, the suit shall be dismissed; but if it shall appear to the court, in which the decision may be passed on the original suit or in appeal, that the proceedings of the collector, or any of his officers, have been improper or irregular, and that the plaintiff has been endamaged from that cause, it shall be competent to the court to adjudge such damages to the plaintiff as may appear equitable, in compensation for the injury sustained by him, and in such case to declare whether the damages shall be paid by Government, or by the collector personally, or by any of his officers; provided also, that it shall in such cases be competent to the court to submit to the Governor General in Council a recommendation that the estate sold should be restored to the plaintiff, with a statement of the compensation which it may appear equitable to allow to the purchaser, recording the same, with the reasons for it at length, on his decree; and whenever a case may be so submitted by any court, and no appeal may be lodged against the judgment, it shall be competent to the Governor General in Council, if he shall be satisfied that the case is one justifying such an interference, to cause the estate to be restored to the plaintiff, on his making the compensation recommended

But Court may adjudge damages for irregularity or the like.

And may certify cases of hardship to Governor General in Council.

Who may restore the former proprietor, compensation being made to purchaser in such cases.

recommended. But if the purchaser shall desire to retain his purchase, and the case be open to a regular appeal under the general Regulations, the purchaser will of course be at liberty to appeal to the Court possessing appellate jurisdiction, in order to contest the propriety of the recommendation submitted to Government, or of any part of it. In such case the decision of Government will be suspended until the final judgment be passed; but if the purchaser shall merely contest the adequacy of the compensation proposed to be assigned to him, it shall be competent to the Governor General in Council, if he shall resolve to adopt the recommendation of the Court passing the original decree, immediately to order the restoration of the estate to the former zemindars, on payment of the amount adjudged to be due as compensation to the purchaser, and in such event, the fee payable on the institution of appeal shall be calculated on the difference between that amount and the sum claimed, but the appellant should not be entitled to judgment on any other point than that pleaded, viz. the adequacy of the compensation adjudged. In such case the estate shall be held to be mortgaged in security for the eventual judgment.

Proviso for appeals in such cases so certified.

XXVII. *First.*—No person shall be entitled to contest the validity of a sale after having received any portion of the purchase money; nor shall any part of the sale proceeds of any estate be liable for the debts of the late proprietor, whilst the validity of the sale may be under contest; provided however, that it shall be competent to the purchaser, or any other party interested, after a suit may have been lodged to contest the sale, to apply to the collector, or the Board of Revenue, or other authority exercising the powers of that Board, in order to have the excess of the proceeds of sale beyond the Government demand vested in Government securities, at the rate of the day, which in that case shall, on the final decision of the suit, be delivered to the person entitled to the same, with the interest which may have accumulated. And if no such application shall be made, interest shall not be demandable upon the unappropriated amount remaining in deposit in the Government Treasury.

Sale not to be contested by a party who has received any portion of the purchase money.

All parties interested may apply to have the excess of the sale proceeds lodged in Government Securities.

Second.—Provided likewise, that if the sale of any estate be reversed by decree of court, by reason of the failure of any of the conditions specified in Section V. of this Regulation, and it be determined that an arrear was due by the late proprietor at the time of sale, the estate shall not be restored to the defaulter until the amount of the arrear shall have been made good with interest, and the Government shall, on restoring the purchase-money to the purchaser, pay to him the same rate of interest on the amount appropriated to the liquidation of its demand, as may be recoverable from the defaulter. In like manner, in cases in which it may be determined that no arrear was due at the time of sale, Government shall be answerable to the purchaser for any sums so appropriated, with interest thereon.

On sale being reversed, payment of the arrears due at the time of sale with interest, to be the condition of resuming possession.

Government to be answerable for the same interest on sums appropriated in payment of arrears as may be recovered from the defaulter.

XXVIII. *First.*—On receiving the confirmation of a sale by the Board of Revenue, or other authority exercising the powers of that Board, the collector shall give possession to purchasers at the public sales of lands within their respective zillahs, by publishing at the head cutcherry of the pergunnah, or other mehaul sold, and at the cutcherry of the Dewanny Adawlut, in the jurisdiction of which such mehaul, estate, or portion of estate, may be situated, a statement of the land sold, (as exhibited at the time of sale) the name of the purchaser, the date of his purchase, and his succession to all the rights of the former possessor in the lands so exhibited. In the event of any further measures being necessary to put the purchaser in possession, the collector shall apply to the judge of the zillah or city within which the land may be situated, and on inspection of the proclamation above mentioned the judge shall put the purchaser in possession of the property sold to him, as therein specified, by the usual process for giving possession of landed property under decrees of the courts of justice.

Rules for giving possession.

Statements to be published at certain Cutcherries.

If further measures necessary.

Zillah Judge to be applied to, and possession to be given as in case of decree.

Second.—Should obstacles be experienced in giving possession of an estate sold for arrears, whether in consequence of the opposition of the former proprietors, and the difficulty of settling their claims to reserved interests in any part of the lands sold, or from the opposition of persons asserting themselves to be in possession of Talooks, and other interests not affected by the process of sale for arrears, or because of boundary disputes with neighbouring zemindars, or the like, or should the circumstances of the estate to be delivered over to the purchaser appear in other respects to render it expedient that a local commission should be appointed to inquire into the claims of the parties on the spot, in order to decide what lands shall be delivered over to the purchaser, and for what he shall be referred to a civil action

In cases of difficulty in giving possession from disputes regarding tenures or boundaries, or of other sufficient reason.

Governor General in Council may appoint a civil ſervant commiſſioner to determine ſummarily the points at iſſue.

against the opposite party, or vice versa, it shall be competent to the Governor General in Council to depute a covenanted civil servant as a Commissioner for the said purpose; and it shall be competent to the Commissioner appointed under the provisions of this Section, to determine, in the first instance, the limits of the lands in which the purchaser is to be held to have acquired an interest by his purchase, and the nature and extent of the rights and interests to be possessed by him under that title, and to give possession accordingly; leaving any party dissatisfied with his award to prosecute their claims by a regular suit in the Adawlut against the party in whose favour such awards shall have been given: and the awards of such Commissioner shall be maintained and acted upon by the courts of judicature in all summary or interlocutory decisions or orders, until it shall be altered or reversed by a regular decree of Court. A Commissioner appointed as aforesaid shall be guided by the same rules as are observed by the Zilla Courts in the investigation and decision of summary suits unless otherwise specially directed by the Governor General in Council, and shall be considered and be a court of civil judicature on all things relating to the cases falling within his cognizance, and to all persons concerned in such cases, whether as plaintiffs or defendants, or their agents, or as witnesses summoned or examined in their behalf; and he shall possess and exercise, in regard to such things or persons as well as in regard to all persons whatsoever, attached to or in attendance at his Cutcherry, the same powers and authority as are or may be lawfully exercised in such matters by the Dewanny Adawlut of the Zilla.

Such commiſſioner to be, unleſs otherwiſe provided, a civil court, and to have juriſdiction as ſuch.

Diſputes as to extent of purchaſe between purchaſers and late proprietor, how to be ſettled.

Third.—If the late possessor shall dispute the right of the purchaser to any part of the property so delivered over to the purchaser, on the plea that it was not included in the purchase, he (the former possessor) shall be at liberty to institute a regular suit in the Dewanny Adawlut for the recovery thereof, and in like manner, if the purchaser thinks himself entitled under the sale to any land, which the judge or officer appointed as above may not deliver over to him, he is at liberty to sue the late possessor for the same in the Dewanny Adawlut.

Diſputes between purchaſer and a third party as to extent of property conveyed by ſale, how to be ſettled.

Fourth.—If any other person, not being the late possessor of the estate sold, shall claim or assert an interest in any portion of the land delivered to the purchaser, on the plea that, (whether included in the sale or not,) it formed no part of the property liable for the Government Revenue assessed on the mehal sold, he shall be at liberty to institute a suit for the recovery thereof jointly against the former possessor of the mehal sold, and the purchaser. If the lands, or other property so claimed, shall be adjudged to the plaintiff, costs of suit shall be payable by the late possessor of the mehal sold, who shall further, if the land or property sued for shall have been held by him as part of the estate sold, or shall have been clearly included in the sale, be compelled by the Court to make adequate compensation to the purchaser.

Declaration as to extent of right conveyed by a ſale. 1ſt, where an eſtate may be ſold for arrears accruing on another mehal.

2d, where an eſtate may be ſold in recovery of the revenue aſſeſſed upon it.

XXIX. In cases in which any land belonging to a defaulter, or his surety, may be sold for the recovery of an arrear of revenue, not being the land on account of which the arrear may have accrued, then whether the said land sold be malgoozaree or lakheraj, the purchaser shall only be held to have acquired the rights, interests, and title possessed by the said defaulter or surety, in like manner as if the land had been sold by private sale, or under a decree of court in liquidation of a private debt. In the case, however, of an estate being sold for the recovery of any part of the revenue assessed upon it, since the act of sale transfers to the purchaser all the property and privileges which the engaging party possessed and exercised at the time of settlement, free from any accidents or encumbrances that may subsequently have been imposed, or have supervened thereupon, such as sale, gift, or other transfer, mortgage, marriage settlement, or other assignment, or the like, the property and privileges possessed and exercised as aforesaid, being perpetually hypothecated to Government for the revenue assessed thereon, no claim of right founded on any act of the original engager or his representative, or on any plea impeaching the title by which the said engager may have held, shall be allowed to impugn the right of the revenue authorities to make the sale, or to bar or affect the title and interest conveyed to the purchaser by the sale. Provided however, that if Government shall have acquired or assumed the property of any estate subsequently to a settlement, and shall have conveyed the same to another, the estate shall be held subject to all just claims to which it was liable at the time of such conveyance: consequently the party ousted on the assumption or acquisition by Government shall not be barred by a sale made after such conveyance of any right he may have

Proviso.

possessed

possessed to recover from Government the property so assumed or acquired by it. Provided also, that when any person claiming the proprietary right in any mehal shall have instituted a suit in court for the recovery of the same, if the party in possession of such mehal shall neglect to discharge the revenue payable on account thereof, and a sale of the mehal for the recovery of the arrears due shall have been ordered by the Board of Revenue, or other authority exercising the powers of that Board, it shall be competent to the said plaintiff to make application to the Court to be put in possession of the contested mehal, on paying the arrears, with interest and charges due, and giving security as hereinafter provided. The judge, on receiving such application, shall cause notice thereof to be given to the defendant, or to his authorized agent or vakeel, and if the defendant shall not have discharged the arrear for the recovery of which the sale may have been ordered, with the interest and charges, by noon of the court-day next preceding that fixed for the sale, he shall receive the amount tendered by the plaintiff, and shall cause him to be put in possession, subject to the rules for taking security in the case of appellants and defendants, contained in Clause 4, Section XI. Regulation XIII. 1808, transmitting the amount received as aforesaid, with the necessary precept, to the collector.

Persons claiming property, in an estate advertised, on what conditions to get possession.

XXX.—In pursuance of the principle of holding the estate of a defaulter answerable for the punctual realization of the Government revenue in the state in which it stood at the time the settlement was concluded, (at which time, by the dissolution of its previous engagements, Government must be considered to resume all rights possessed on the acquisition of the country, save where otherwise specially provided) all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots, or the like, settled or credited by the first engager or his representatives subsequently to the settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, shall be liable to be avoided and annulled by the purchaser of the estate or mehal, at a sale for arrears due on account of it, subject only to such conditions of renewal as attached to the tenure at the time of settlement aforesaid, saving always and except bonâ fide leases of ground for the erection of dwelling-houses or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, watercourses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect.

Under tenures how affected by sale for arrears.

Where such tenures may be derivative from defaulters.

XXXI. The above rules regarding under tenures are indispensable for the security of the Public resources, and have accordingly been uniformly acted upon as a general and fundamental principle of the revenue system of this Presidency; but as the application of the rules leaves an opening to abuse, by enabling a zemindar who may have granted leases, or other temporary or permanent assignments of his land, for a present money consideration, to annihilate the under tenures so created by him, it is hereby provided, that it shall be competent to the Governor General in Council, when he shall see proper, at any time before a sale for arrears shall have been actually made, to direct it to be made, subject to the leases, assignments, or other encumbrances with which a proprietor in possession, his ancestors, or predecessors, may have burthened his assessed estate, or to such of them as shall appear proper. In all such cases notice of the condition imposed by the Governor General in Council shall be given by the collector at the time of calling up the lot for sale, and such further notification shall be made as the Governor General in Council may direct: provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that by reason of the restriction the future realization of the revenue will be endangered, it shall be competent to the Governor General in Council, at any time before such restricted sale shall have been finally confirmed under the rule contained in Section XXII. of this Regulation, to direct the sale to be cancelled, and a new sale of the estate to be made without restriction. If subsequently to confirmation occasion should arise to bring to sale for arrears an estate purchased with a restriction of the above description, it shall at all times be competent to the Governor General in Council to direct that the mehal shall be sold without any restriction beyond what may have attached to the tenure at the original settlement, or with the reservation before reserved. In the former event, should the purchase-

Governor General in Council may reserve under tenure.

money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the Governor General in Council to direct a portion, or the whole, of the excess to be paid to the persons whose interests having been reserved at the first shall become void at the second sale.

What under tenures to be maintained.

XXXII. The above rules, or any other rules contained in the existing Regulations, by which persons are declared competent under certain restrictions to annul engagements contracted between former proprietors and their under tenants, and in certain cases to enhance the rent payable by such tenants, shall not be construed to entitle the purchasers of land at public sales to disturb the possession of any village zemindar, putteedar, mofussil talookdar, or other person having an hereditary transferable property in the land, or in the rents thereof, not being one of the proprietors party to the engagement of settlement or his representative. Nor shall the said rule be construed to authorize any purchaser as aforesaid to eject a khood khasht, kudeemee ryot, or resident and hereditary cultivator, having a prescriptive right of occupancy. Nor shall a purchaser demand a higher rate of rent from an under tenant of either of the above descriptions than was receivable by the former malgoozar, saving and except in cases in which such under tenants may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former malgoozars from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the pergunnah, mouzah, or other local division, such under tenants are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

Mofussil settlements how to be made by purchaser.

XXXIII. Persons purchasing at public sale, who may be desirous of enhancing the rents of their under tenants, shall, as heretofore, be required, in the absence of specific engagements, to serve a formal notice of their intention, as prescribed in Section IX. Regulation V. 1812; but nothing in the said Section was intended, or shall be construed, to affect the right of any individual possessing a transferable or hereditary right of occupancy to contest the justness of the demand so made; and to pay his rent as heretofore, until the contrary shall be decided by a competent court of justice. Nor in any respect to annul or diminish the title of the ryots to hold their land subject to the payment of fixed rents, or rents determinable by fixed rates, according to the law and usage of the country.

If the lot sold be only portion of a mehal, statement of the grounds of assessment to be exhibited at the time of sale, and other information to be given.

But this no guarantee to purchasers, either of the defaulter's title:

Or of the Jumma, if subsequently found disproportionate.

XXXIV. If the lot sold form only a specific portion of an assessed mehal, divided off for the purpose of sale, with a Jumma specially assigned thereon, a statement of the grounds on which such assessment may have been fixed shall be exhibited at the time of sale, for the information of purchasers, who will likewise be entitled to inspect any records of the office at which the sale may be conducted, that may be forthcoming, of a kind likely to give information as to the value of the lot. The statement, however, so exhibited, or other information howsoever procured, shall not be deemed to afford any guarantee to the purchaser of the title under which the late proprietor may have held the lands mentioned therein as part of the mehal in arrear, or of their profit or extent: Provided likewise, that in case it should subsequently be discovered, that the Jumma settled on the portion of a mehal so sold is excessive, or substantially disproportionate, it shall be competent to the Governor General in Council, on the representation of the purchaser, his heirs or assigns, made at any time within ten years from the date of sale, to order a new allotment of the jumma on the lands sold, and on the remainder of the mehal from which the same may have been separated, on the principle prescribed for the cases of Butwarras, and in this case all separations made at or after the time of sale shall be cancelled; provided further, that in cases wherein the Jumma assessed on a separate lot sold shall from evident mistake be fixed greatly too low, it shall be competent to the Governor General in Council, at any time within ten years from the date of sale, to cancel the sale unless the purchaser consent to allow of a fresh allotment of the Jumma. When a sale may be so cancelled, the amount of the purchase money shall be repaid to the purchaser without interest, and if the late proprietor shall refuse, or fail to make good the amount when called on to do so, the lands sold shall become the property of Government; provided also, that whenever the Jumma assessed on any lot shall be reduced under the above provisions, it shall be competent to the Governor General in Council to determine what compensation

New allotment may be ordered by Government within 10 years, as in case of Butwarras.

If the Jumma allotted on sale of a portion of a mehal, be found too low, sale may be cancelled within 10 years, if purchasers refuse to allow fresh allotment.

Government may award compensation to be paid by the party benefited by re-allotment.

shall

shall be paid by the purchaser who may benefit by such reduction of the assessment, or by his representative, to the party or parties, the Jumma of whose lands may be enhanced; or if the aforesaid purchaser or his representative shall refuse to pay the sum so awarded, to cause the lot to be re-sold, and after re-paying to the purchaser or his representative, the amount of his purchase money, without interest, to pay or distribute the remaining proceeds of the re-sale to or among the party or parties, the Jumma of whose lands may be enhanced.

No abatement of Jumma to be made, without the sanction of Government.

XXXV. It is hereby declared and enacted, that no abatement of a Jumma once fixed by the Revenue authorities, shall be made, except by the authority of the Governor General in Council; and it is hereby further declared, that the Revenue authorities only are competent to take cognizance of any question affecting the amount of Jumma assessed, or fixed on any lands paying revenue directly to Government, and that the fixing, altering, or modifying the amount of Government Revenue on such lands, shall belong exclusively to those authorities, subject of course to the general control of the Governor General in Council.

And revenue authorities exclusively competent to take cognizance of questions touching the amount of assessment.

In case of a purchase by Government, the rules for khas management to be applicable.

XXXVI. If a collector shall at any time, being so instructed by either the Government or the Board, purchase on account of Government an estate exposed to sale for the recovery of arrears of revenue, the rules applicable to the management of ordinary malgoozaree mehals held khas, or farmed, shall be considered applicable to such estate, and also to all other estates the property of Government, according as they may be held khas, or let in farm.

Collectors to have the power of punishing for contempt.

XXXVII. *First.*—With a view to enable the Revenue authorities to maintain due order in their Cutcherries, more particularly at the time of conducting judicial investigations and holding public sales, it is hereby enacted, that the Board of Revenue, or other authority exercising the powers of that Board, or any member thereof exercising separate authority, the collectors of land Revenue, or other covenanted officer employed in the collection of the Revenues, shall be competent to punish any contempt, outrage or disturbance committed in open Cutcherry in their presence, by fine to an extent not exceeding 100 rupees, commutable, if not immediately paid, to imprisonment in the Dewanny jail of the district for a period not exceeding fifteen days. A similar power shall be vested in any officer employed in conducting public sales under the authority of the Revenue Boards.

Orders in such cases to be final, saving the power of control vested in the Boards and Government. Zillah Judges are to enforce the penalty ordered, in the same manner as if adjudged by a court.

Second.—The orders passed in such cases by the aforesaid officers shall be final, saving the general powers belonging to the Board and to Government, of revising and controlling the acts of subordinate Revenue officers, and the Zillah Judges are required, on receiving a copy of the order passed by such officer adjudging the aforesaid penalty, immediately to take measures to enforce the same, in the same manner as if a like penalty had been imposed by order of Court.

Government not liable for errors of the Courts of Justice, whether revenue officers be or be not employed in executing the court's order.

XXXVIII. It is hereby declared and enacted, that Government is not and shall not be held liable for any error or irregularity which may have occurred, or shall occur in any order, proceeding, or decree of any Court of Judicature, whether a Revenue, or other officer of Government may or may not have been, or shall or shall not be employed, in giving effect to the order, proceeding or decree, deemed to be erroneous or irregular. Nor shall any officer of Government be held liable for any thing done or suffered in conformity with an order, proceeding, or decree of a Court as aforesaid; and if any person or persons shall sue Government, or any officer of Government, for any thing done or suffered under an order, proceeding, or decree of Court as aforesaid, such person or persons shall be nonsuited, with costs. The same principle is and shall be held applicable to all orders, proceedings or decrees, made, held, or passed by any public officer, in virtue of powers vested in him for the judicial cognizance of any pleas, suits, complaints, or informations whatsoever, unless otherwise specially provided.

This Regulation not to interfere with Regulation I. 1821.

XXXIX. Nothing contained in this Regulation shall be construed to limit or affect the powers and authorities conferred by Regulation I. 1821, upon the Sudder and Mofussil Commissioners, acting under the provisions of that enactment, in regard to the annulment of sales.

II.

REGULATIONS

Passed by the Governor in Council of *Fort St. George*, in the Year 1822,—N° I. to IX.

A. D. 1822. REGULATION I.

A REGULATION for the more exemplary punishment of Robbery by open violence.—Passed by the Honourable the Governor in Council of Fort St. George, on the 5th March 1822.

Preamble.

WHEREAS it is expedient and necessary that all cases of conviction of robbery by open violence, as defined in Clause first, Section III. Regulation XV. of 1803, should be referred to the Court of Foujdarry Adawlut, in the same manner as it is provided by Clause third of the same Section that certain cases of conviction of that crime shall be so referred; and that the Foujdarry Adawlut should be empowered to pass sentence of imprisonment and transportation for life, when the offender may appear duly convicted, and may not be liable to suffer death: the following rules have therefore been enacted:

Clause third, Section IV. Regulation XV. 1803, rescinded, except with regard to prisoners convicted before the promulgation of this Regulation.

II.—Clause third, Section IV. Regulation XV. of 1803 is hereby rescinded, but the provisions contained in it shall be considered in force with respect to persons convicted of the crime therein specified, if perpetrated before the promulgation of this Regulation, and the Court of Circuit shall pass sentence accordingly in such cases, without reference to the Foujdarry Adawlut, unless the prisoner or prisoners appear deserving of imprisonment for life, in which case the trial shall be referred to that court.

Persons convicted (not capitally) of robbery by open violence to be sentenced by the Circuit Courts to receive 39 stripes, and be transported for life.

III.—All persons convicted of being concerned, as principals or accomplices, subsequently to the promulgation of this Regulation, in the crime of robbery by open violence, as defined in Section III. Regulation XV. of 1803, and not, under the Regulations in force, liable to a sentence of death, shall be adjudged by the Courts of Circuit and by the Court of Foujdarry Adawlut to receive thirty-nine stripes with a rattan, and to be imprisoned and transported for life, unless from any extenuating circumstances appearing on the trial, the stated punishment shall appear too severe; in which case the Court of Foujdarry Adawlut is authorized to mitigate the sentence, as in other cases left to the discretion of that Court by Clause fifth, Section IV. Regulation XV. of 1803; or to act in pursuance of Clause sixth of that Section, if the prisoner appear a proper object of mercy and pardon.

All convictions of robbery by open violence to be referred to the Foujdarry Adawlut.

But the prescribed sentence is first to be passed by the Court of Circuit.

IV. The Courts of Circuit shall refer to the Court of Foujdarry Adawlut, in the manner prescribed by the existing Regulations, the trials of all prisoners convicted of the crime of robbery by open violence, and liable to the punishment declared in the preceding Section. The Judge of Circuit, before whom the trial may be held, shall in all cases, pass sentence for the stated punishment, if the prisoner appear to him and to the law officer of the Court of Circuit to be duly convicted, whether by his free and voluntary confession, or by the testimony of credible witnesses, or by strong circumstantial evidence. But such sentence shall not be deemed final, nor shall any warrant be issued for carrying the same into execution, until it be confirmed by the Court of Foujdarry Adawlut. And if the Judge of Circuit

Circuit be of opinion that there are grounds for a mitigation or remission of punishment, he shall state the same in his letter to accompany the trial, as required by Clause third, Section VI. Regulation XV. of 1803.

A. D. 1822. REGULATION II.

A REGULATION to provide for the more effectual administration of Criminal Justice in certain cases: and to alter certain provisions of the Regulations now in force—Passed by the Honourable the Governor in Council of Fort St. George, on the 2d April 1822.

Preamble.

THE provisions contained in Sections XIII. XIV. and XVIII. Regulation X. of 1816, which prescribe that the Criminal Judges shall cause to appear before the Court of Circuit all witnesses required by persons committed for trial, having been found to operate to the obstruction of public justice, and to the injury of individuals, by the abuse on the part of prisoners of the privilege of summoning witnesses; it is therefore desirable that this privilege should be subjected to certain restrictions. It is also considered advisable that provision should be made for authorizing Magistrates to apprehend vagrants, suspicious persons, and persons without visible means of honest livelihood, and persons of notoriously bad character; and, under certain rules and restrictions, to commit them to the custody of the Criminal Judge; and that authority should be given, under certain rules and restrictions, to the Criminal Judges to require security from parties against whom there may be ground for strong presumption, though not full proof, of a specific offence.—It is further deemed requisite for the ends of justice to modify and extend the provisions contained in Regulation VI. of 1811, for the punishment of persons convicted of forgery, or causing forgery; and to render the restriction contained in Section XXIX. Regulation IX. of 1816, against prosecutions of witnesses and parties in the Civil Courts for perjury and subornation of perjury, unless the officers presiding in those Courts shall be of opinion that there are grounds for such prosecutions, applicable to all charges of perjury or subornation of perjury against witnesses and prosecutors in the Criminal Courts.—And it further appears expedient to rescind such part of Section XX. Regulation XIII. of 1816, as requires that petitions addressed to the Criminal Courts shall be written on stampt paper. The following rules have therefore been enacted to be in force from the date of their promulgation:

Criminal Judges to have a discretionary authority in regard to summoning witnesses on behalf of prisoners who have confessed.

II. *First.*—Whenever a prisoner who may confess before the Criminal Judge the offence with which he is charged, or may confirm a former confession thereof, shall require witnesses to attend on his behalf before the Court of Circuit, it shall be discretionary with the Criminal Judge to cause the attendance of any such witnesses, or not, according as it may or may not appear, from the nature of the case, that it admits of palliatory evidence.

Criminal Judges may limit the number of witnesses to be summoned on behalf of prisoners not confessing.

Second.—In all other cases when a prisoner may desire the attendance of more than two witnesses on his behalf, the Criminal Judge is hereby authorized to question the prisoner as to the facts which he wishes to establish by their testimony—Whenever it may appear that the testimony required is irrelevant to the prisoner's defence, the Criminal Judge shall not comply with the requisition of the prisoner; and when several distinct facts are required to be established, which may be material to the defence, the Criminal Judge shall have authority, if he see proper, to summon only two witnesses to each point.

Criminal Judges to record their reasons for refusing to summon witnesses desired by prisoners. The Judges of Circuit on perusal of the proceedings shall call for any further procurable evidence considered to be material to a prisoner's defence, and eventually postpone the trial.

Third.—The Criminal Judge shall record on his proceedings the grounds on which he may exercise the discretion vested in him by this Regulation, of refusing to summon a witness or witnesses on behalf of a prisoner to appear before the Court of Circuit—The Judge of Circuit, on his arrival at the zillah station, shall peruse the proceedings held against any prisoner or prisoners who may have required the attendance of witnesses not summoned, and if it shall appear to him that procurable evidence, material to a prisoner's defence, has not been called, he shall require the attendance of the witness or witnesses, if it be probable that their attendance can be procured in time to admit of their evidence being taken before the close of the Sessions; and should the attendance of such witness or witnesses not

not be procurable within that period, he shall postpone the trial until the ensuing Sessions of jail delivery, and issue the necessary orders on the subject to the Criminal Judge.

Magistrates & Heads of District Police authorized to apprehend vagrants.

Magistrates may commit Vagrants or take Security from them.

III. *First.*—It shall be competent to the magistrate, and to the heads of district police acting under his orders, to apprehend, when it may seem proper, any vagrant, or suspicious person, or person without ostensible means of honest livelihood, or person of notoriously bad character; and the magistrate at his discretion shall either take security for the appearance of such person, or issue his warrant for such person to be received and detained in the custody of the Criminal Judge.

Court of Circuit may release persons so confined.

Second.—It shall however be competent to the Judge of Circuit, at any Sessions of jail delivery, after making such inquiry as he may deem satisfactory, to order the release of any person so confined, either with or without security for his future appearance and good behaviour.

Magistrates may also release persons so confined.

Third.—Persons so confined shall also be liable to be released at the discretion of the magistrate by whom they were committed.

Criminal Judges may require security from persons strongly suspected, though not convicted, of criminal offences.

IV. *First.*—In all cases brought before a Criminal Judge, where adequate proof for conviction of a specific offence may not be adduced against a prisoner, but he shall appear to be under strong suspicion of any act of criminality, it shall be competent to the Criminal Judge to direct that such prisoner be detained in custody until he shall give sufficient security for his future good behaviour and appearance when required.

Criminal Judges to report to the Courts of Circuit all instances of the exercise of the power given them above.

Second.—Whenever a Criminal Judge may exercise the authority vested in him by the foregoing Clause, he shall submit a report to the Court of Circuit at the ensuing Sessions of jail delivery, specifying the names of persons confined by him on a requisition of security which they may have been unable to furnish, the circumstances of each case, with the proceedings held thereon, and the amount of security required.

Court of Circuit empowered to release persons so imprisoned, and to reduce the amount of security required.

Third.—The Judge of Circuit, after inspecting the proceedings, and making any further inquiry deemed necessary, shall pass such order as may appear just and proper, either for the release of the prisoner on his moochilka, or for reducing the amount of security required, (if this appear excessive) or for the further detention of the prisoner.

Modification of Regulation VI. of 1811.

V. *First.*—The provisions contained in Regulation VI. of 1811, for the punishment of persons convicted of forgery, or procuring forgery, are hereby declared subject to the following modifications:

Persons convicted of having forged, or procured to be forged, counterfeit coin, to be sentenced to *Tasheer*, and to receive 30 stripes, and be banished for 14 years.

The Judge of Circuit may, on sufficient grounds, pronounce a mitigated sentence.

Second.—The Judge of Circuit before whom a prisoner may be convicted of having forged, or procured to be forged, any counterfeit coin in imitation of any of the gold, silver, or copper coins of the British Governments in India, or of any coin usually received as money in the British possessions in India, shall, provided he concur with the law officer in the conviction of the prisoner, sentence him to be publicly exposed in the mode commonly denominated *Tasheer*, to receive thirty stripes with a rattan, and to be imprisoned in banishment from the district for the period of fourteen years; unless the Judge of Circuit, on consideration of all the circumstances of the case, shall be of opinion that any part of the prescribed punishment is too severe, in which case he shall be authorized to mitigate the sentence to imprisonment with or without *Tasheer* for any period not less than seven years.

In certain cases the trial to be referred to the Foujdarry Adawlut.

Third.—If in any instance the Judge of Circuit shall be of opinion that a further mitigation or remission of punishment is necessary, he shall, provided he concur in the conviction of the prisoner, pass sentence according to the preceding clause, and refer the trial, with his sentiments at large, for the final sentence of the Court of Foujdarry Adawlut, who shall have authority to mitigate the sentence at their discretion.

Persons convicted of uttering counterfeit coin to be sentenced to imprisonment for seven years.

VI. *First.*—Any person who shall be convicted before a Court of Circuit, or the Court of Foujdarry Adawlut, of paying, or tendering in payment, counterfeited coin, knowing the same to be counterfeit, shall be sentenced to imprisonment for such period, not exceeding seven years, as the Judge of Circuit, or the Court of Foujdarry Adawlut may deem adequate to the circumstances of the case; and shall also, in all instances of an aggravated nature, or of a repetition of the offence, after being

being once convicted and punished, be sentenced to public exposure by *Tasheer*. In every instance of a repetition of the offence after a previous conviction and punishment, the Judge of Circuit shall further, at his discretion, sentence the offender to receive corporal punishment not exceeding thirty stripes with a rattan. Punishment on a repetition of the offence.

Second.—The provisions in the preceding Clause are declared applicable to persons convicted of clipping, filing, drilling, defacing or debasing the gold or silver coin of the British Government in India, or any coin usually received as money within the British possessions in India. The foregoing provisions declared applicable to cases of clipping or defacing the coin.

VII. If any person subject to the jurisdiction of a zillah magistrate shall be convicted of having in his or her possession any counterfeited coin, and shall not show good and sufficient cause for having such counterfeit coin in his or her possession, the person so convicted shall be sentenced by the magistrate to pay a fine equal to four times the nominal value of such counterfeit coin in his or her possession; one moiety of which fine shall, on receipt of it, be given to any informer or informers who may have given information of the offence, and established the truth of it. In the event of such fine not being paid, the person convicted shall be confined in the zillah jail for such period as the magistrate may direct, not exceeding six months. Persons convicted of having in their possession counterfeit coin punishable by fine. Distribution of the fine. Imprisonment if the fine be not paid.

VIII. The restriction contained in Section XXIX. Regulation IX. of 1816, against prosecutions of witnesses and parties in the Civil Courts for perjury and subornation of perjury, unless the officers presiding in those courts shall be of opinion that there are grounds for such prosecutions, is hereby extended to all charges of perjury, or subornation of perjury, against witnesses and prosecutors in the Criminal Courts. The restriction regarding the commitment of persons for perjury before Civil Courts declared applicable to the same offence before Criminal Courts.

IX. In modification of the provisions contained in Section XX. Regulation XIII. of 1816, it is hereby enacted, that petitions on unstampt paper shall be received by the Criminal Judges, the assistants to the Criminal Judges, the Courts of Circuit, and the Court of Foujdary Adawlut. The Criminal Courts authorized to receive petitions on unstamped paper.

A. D. 1822. REGULATION III.

A REGULATION for extending the operation of Regulation VII. of 1818.—Passed by the Honourable the Governor in Council of Fort St. George, on the 28th May, 1822.

WHEREAS under the provisions of Regulation VII. of 1818, no persons can be admitted to appeal, or to answer in appeal as paupers, excepting such as have originally sued as pauper plaintiffs: And whereas cases have occurred in which parties in original suits, as well plaintiffs as defendants, have become paupers before the filing of a petition of appeal; and it is deemed just and proper to admit such persons to the benefit of the pauper regulation: And whereas it is proper that special appeals should be admitted in pauper cases under the general restrictions prescribed regarding such appeals, the Governor in Council has been pleased to enact the following Regulation, to be in force from the date of its promulgation. Preamble.

II. *First.*—Plaintiffs in original suits who did not sue as paupers shall be admissible to appeal in *formâ pauperis* from the judgments passed in such original suits. Original plaintiffs, not paupers, admissible to appeal as paupers.

Second.—Defendants in original suits shall be admissible to appeal in *formâ pauperis* from the judgments passed against them in such suits. Original defendants admissible to appeal as paupers.

Third.—The admission of persons to appeal, or defend in appeal, under the foregoing clauses, shall be in conformity with the rules prescribed in Sections V. and VI. Regulation VII. of 1818, for persons desirous of being admitted to plead as paupers in original suits, and subject to the restrictions contained in Section X. of that Regulation in respect to the admission of appeals from pauper plaintiffs. Such persons are to be so admitted in conformity with the general rules of the pauper regulation.

Fourth.—It shall be the duty of the Court competent to admit the appeals in the cases above provided for, to satisfy themselves, in the event of objections being made by the other party to the admission of the applicant as a pauper, that the property of which the said applicant was possessed at the time when the original suit was instituted, has passed from his hands, or has otherwise been rendered unavail- The Courts to satisfy themselves of the bona fide poverty of persons applying to appeal under this Regulation.

able to him, either by the operation of the judgment from which he is desirous of appealing, or of some other judgments, or generally of causes over which he had no control.

The rules of the pauper regulation, with the present modifications, declared applicable to special appeals.

III. The rules contained in Regulation VII. of 1818, which the modifications thereof provided in this Regulation, are hereby declared to be applicable to the admission of special appeals.

A. D. 1822. REGULATION IV.

A REGULATION declaring the true intent and meaning of Regulations XXV. XXVIII. and XXX. of 1802, so far as they relate to the rights of the actual cultivators of the soil.—Passed by the Honourable the Governor in Council of Fort St. George, on the 12th day of July 1822.

Preamble.

DOUBTS having occurred regarding the meaning and construction of the Regulations enacted for ensuring the prompt realization of the rents due and payable by the actual cultivators of the soil, either to the officers of Government on the public account, or to zemindars or others entitled to receive the same by inheritance or purchase, or in virtue of special grants issued by the ruling authority on terms of a permanent or temporary settlement of the land revenue; it has become necessary for Government to declare, that in passing those Regulations it had no intention of authorizing any infringement or limitation of any established rights of any class of its subjects whatsoever, such rights being properly determinable by judicial investigation only. The Honourable the Governor in Council has therefore been pleased to pass the following Regulation;

Regulations XXV. XXVIII. and XXX. of 1802, declared not to define or infringe the rights of landholders or tenants.

II. It is hereby declared that the provisions of Regulations XXV. XXVIII. and XXX. of 1802, were not meant to define, limit, infringe or destroy, the actual rights of any description of landholders or tenants; but merely to point out in what manner tenants might be proceeded against, in the event of their not paying the rents justly due from them; leaving them to recover their rights, if infringed, with full costs and damages, in the established courts of justice.

A. D. 1822. REGULATION V.

A REGULATION for vesting in Collectors authority to take primary cognizance in certain cases of suits cognizable summarily by the Zillah Courts under Regulations XXVIII. and XXX. of 1802, and otherwise modifying the provisions of those Regulations—for rescinding Regulation XXXII. of 1802,—and for vesting in Collectors the summary cognizance of cases which under that enactment were cognizable by the Zillah Courts—and for authorizing Collectors to refer all such suits to Punchayets for decision, and for extending the provisions of Regulation XII. of 1816.—Passed by the Honourable the Governor in Council of Fort St. George, on the 19th of July 1822.

Preamble.

WHEREAS the provisions of Regulations XXVIII. and XXX. of 1802, have been found insufficient for the due protection of the ryots, inasmuch as the powers they vest in landholders are prompt and summary, while efficient redress for the abuse of those powers must frequently be sought by the institution of a regular suit, to the expense of which the means of ryots in general are inadequate; and it has been deemed expedient to vest collectors with authority to take primary cognizance of all cases which under the provisions of those Regulations are cognizable by summary suit in the Courts of Adawlut, provided the officers of Government are not parties in the case, and to authorize the said collectors to enforce in the first instance the penalties prescribed by those Regulations, their decisions being subject to revision by the civil courts when parties may choose to have recourse thereto: And whereas the provisions of Regulation XXXII. of 1802, do not afford a remedy sufficiently prompt in cases of sudden and violent disputes respecting the occupancy, cultivation, or irrigation of land; and it is expedient to rescind that Regulation, and to refer to the collectors of the Revenue the summary inquiries which under it were conducted by the Adawlut of the Zillah: And whereas disputes as well regarding

regarding arrears of rent, and rates of assessment, as regarding the occupancy and cultivation of land, may occasionally be adjusted by punchayets to the relief of the ryots and the furtherance of the ends of justice; and it is deemed proper to enable collectors, with the consent of the parties, to refer all such cases to punchayets for decision, and to extend the provisions of Regulation XII. of 1816, the Honourable the Governor in Council has therefore enacted the following rules to be in force from the date of their promulgation:

Collectors authorized to take primary cognizance of suits of the nature of those summarily cognizable by the zillah Courts under Regulations XXVIII. and XXX. of 1802.

II. *First.*—Collectors are hereby authorized to take primary cognizance, by summary process, of all cases which, under the provisions of Regulations XXVIII. and XXX. of 1802, were summarily cognizable by the Zillah Courts, with the exception of the cases referred to in Sections XXXV. and XL. Regulation XXVIII. of 1802; and they shall have power to assess such damages, penalties and costs as may appear to them proper, but not exceeding in any case the amount limited in the particular provision of the Regulation under which each case was respectively cognizable in the Zillah Courts.

No damages or costs to be levied till the period for appeal has elapsed.

Second.—Provided however, that no damages, penalties or costs, which a collector may award under this Section, shall be levied until after the expiration of the period hereinafter limited, during which an appeal may be preferred against the said collector's decision.

Property attached for arrears not saleable, unless pottahs have been exchanged or tendered.

III. *First.*—No property attached under Regulation XXVIII. of 1802, for the discharge of arrears of rent or revenue, shall be sold, unless pottahs shall have been granted, or tendered, and refused; nor until previous notice shall have been given to the collector of the district, and leave shall have been obtained from him for the sale.

Penalty for breach of the foregoing rule.

Second.—Where property may be sold contrary to this rule, the defaulter shall be discharged of the arrear for which such attachment has been made; the property attached shall be restored to him, or the value thereof made good by the distrainer, where it may have been damaged or injured, or may not be forthcoming, and distrainers shall further pay damages, not exceeding the loss sustained in consequence of such attachment, with costs of suit.

Notice of property seized for arrears to be immediately given to Collectors.

IV. *First.*—When property may be attached for arrears of rent or revenue under Regulation XXVIII. of 1802, the distrainer shall without delay give notice thereof to the collector, either direct, or through the tahsildar, or the principal revenue officer of the district.

Appeals against distraint may be made within 30 days.

Second.—Property so distrained shall not be sold until the expiration of thirty days from the day on which the notice of attachment referred to in the preceding Clause was given; and until the expiration of that time the defaulter shall be at liberty to appeal to the collector against the distraint of his property.

After thirty days, and no appeal, the property attached may be sold.

Third.—If no appeal be made, the distrainer shall have authority, at the expiration of the thirty days after notice given as above provided, to cause the distrained property to be sold in conformity with the Regulations.

In case of appeal, Collectors to hold a summary inquiry.

Fourth.—If an appeal be made, the collector shall without delay institute a summary inquiry into the correctness of the demand for which the property has been attached; and if it shall appear that the amount claimed is justly due, he shall issue his order for the sale of the property to the district moonsiff, or other authorized person. If a sum less than the amount demanded shall appear on inquiry to be due, the collector shall order so much property only to be sold as may be sufficient to discharge the debt.

If notice of distraint be not given to the collector, the defaulter shall be discharged of his arrear. Further penalty.

Fifth.—When notice shall not have been given of property attached for arrears of rent or revenue, as provided in Clause first of this Section, within thirty days after the attachment, the defaulter shall be discharged from the arrear for which the distraint was made, and the distrainer shall be subject to the penalties prescribed in Clause second, Section III. of this Regulation.

Periods of notice how to be reckoned.

V. The periods of the fifth and eighth day referred to in Section XXI. Regulation XXVIII. of 1802, shall be calculated from the day on which the order of the collector for the sale may reach the village where the property is under attachment.

If a defaulter be about to abscond, the proprietor may apply to

VI. In the cases stated in Clause second, Section XXXIV. Regulation XXVIII. of 1802, where there may be reason to apprehend the immediate elope-

the district moonsiff or tahsildar.

ment of the defaulter or his surety, the proprietor or farmer shall present the petition prescribed in that Section to the district moonsiff or tahsildar, who shall proceed thereon as the native commissioner is directed to proceed by the said Clause.

Certain penalties when levied to be paid to the ryots on whom exactions have been made.

VII. Whenever the penalties for exactions referred to in Section VII. Regulation XXX. of 1802, shall be levied, the amount of the exaction shall be returned to the ryot, together with such further proportion of the penalty as may appear a reasonable compensation for the injury sustained; provided however, that such penalties shall be held in deposit during the period limited for appeal by Clause first, Section XVI. of this Regulation.

Proprietors not to grant lands of ryots under Sec. X. Regulation XXX. of 1802, without leave from the collector.

VIII. *First.*—The lands of under-farmers or ryots shall not be granted to other persons by proprietors or farmers under the provisions of Section X. Regulation XXX. of 1802, until such proprietors or farmers shall have made application to the collector, and obtained his leave for that purpose.

If just rates have been offered by the proprietor, and refused, the Collector shall sanction the ejection of the ryot; if otherwise, collector how to proceed.

Second.—If the collector on examination find the rates of the pottah tendered by the proprietor or farmer to be just and correct, the under-farmer or ryot shall be ejected under the collector's order unless he assent to the terms; but if the rate shall exceed the just rate prescribed, an order shall be issued by the collector to the proprietor or farmer, prohibiting the ejectment, and requiring the issue of a pottah within one month from the delivery of the order to him, under penalty for delay as provided in Section VIII. Regulation XXX of 1802.

Suits for arrears to be rejected by courts unless the tender of a pottah, or the mutual consent of parties, be proved.

IX. Suits preferred in the zillah court for arrears of rent or revenue from under-farmers or ryots, or their sureties, where no pottah has been granted, shall be dismissed with costs, unless it shall be proved to the satisfaction of the Judge that a pottah had been tendered, and refused, or that both parties had agreed to dispense with the use of pottah and muchilka.

Rescission.

X. Regulation XXXII. of 1802, is hereby rescinded.

Persons forcibly dispossessed of their lands or crops to bring their case before the collector, and how he is to proceed thereon.

XI. Whenever any persons who may lay claim to lands or crops in the possession of others, shall forcibly take possession of the disputed lands or crops, the party dispossessed shall be at liberty to bring the case before the collector of the district, who, upon proof of such forcible ejection, and of the actual previous possession by such ejected party, shall cause the disputed lands or crops to be restored to the complainant, or the value of the crops to be paid to him, if they shall be damaged, destroyed, or not forthcoming; and shall further award against the offender such costs and damages as may be equitable.

Claimants of disputed lands or crops using force, and causing death, or any personal injury thereby, to be forwarded to the criminal judge.

XII. *First.*—Where claimants of disputed lands or crops, or other persons assisting such claimants, may in taking, or attempting to take, forcible possession of the disputed lands or crops, kill or wound, or violently beat any person, the collector shall take cognizance of such violent acts as magistrate, and shall proceed according to the Regulations and circumstances of the case, forwarding the offenders, and all persons aiding or assisting them in the act, to the Criminal Judge, to be by him dealt with according to the provisions of the general Regulations.

Criminal judge may grant to the injured parties a portion of any fine levied.

Second. The Criminal Judge shall exercise his discretion in granting to parties injured by the violent acts of claimants of disputed lands, the whole or any part of the fine which they may levy from the aggressors under the preceding Clause.

If in the absence of the actual claimants, their agents or servants are guilty of such conduct, the same mode of procedure is to be observed.

Where the parties acted by the orders or with the knowledge of their principals, the principals are to be proceeded against as if present.

XIII. Where the agents, servants or dependents, or other persons in the employment of claimants of disputed lands or crops, may take, or attempt to take, possession thereof by force, and the actual claimant may not be present, the Criminal Judge shall proceed against the parties actually present in the manner herein directed, in the event of their having killed, wounded, or violently beaten, any person. Where it may be proved that the parties immediately concerned in taking or attempting to take possession of disputed lands or crops, acted by the orders, or with the knowledge or connivance, of the actual claimants, such actual claimants shall also be proceeded against in the Criminal Court in the same manner as if they had been present.

Where disputed lands and crops shall be contended for by persons armed, and death or wound ensue

XIV. Where claimants of disputed lands or crops may go armed with swords, sticks or other weapons, or give orders for, or connive at, other persons going so armed, to take possession of such lands or crops, and where the party in possession of such lands or crops, or other person having claim thereto, may use violent and unjustifiable

unjustifiable means of defence beyond what is necessary to guard their own lives and persons, to prevent such claimants or armed persons from taking possession of the lands or crops, or to dispossess them by force; and where in consequence of such unjustifiable means of defence having been used affrays ensue, and people are killed, wounded, or violently beaten, on either side, the Criminal Judge shall adjudge the lands and crops in dispute to be forfeited to Government, and both claimants and other persons concerned or assisting in the affray shall be committed to prison, or to bail, (according to the circumstance of the case) to take their trial before the Criminal Court.

on either side, such lands and crops shall be forfeited to Government, and both parties be liable to a criminal prosecution.

XV. *First.*—The collector shall have authority to refer all disputes respecting arrears of rent or revenue, or respecting rates of assessment in money or kind, or of division in kind, as well as all questions of the right of occupancy or possession of lands or crops, which may be brought before him under this Regulation, to a district or village punchayet for decision, provided both parties agree to that mode of settlement.

Disputes of the nature contemplated in this Regulation may be referred to punchayets.

Second.—The collector shall have authority, in cases of disputes which may be brought before him under this Regulation, to exercise the powers vested in village and district moonsiffs under Regulations V. and VII. of 1816.

Collectors may exercise the powers vested in village and district moonsiffs by Regulations V. and VII. of 1816.

XVI. *First.*—An appeal shall be open to the Zillah Judge, by regular suit, from all decisions passed by the collector under this Regulation, provided the petition of appeal shall be presented to the Zillah Judge within thirty days from the date of the collector's decision.

Appeal from the collector's decisions under this Regulation lies to the zillah court if preferred in 30 days.

Second.—Decisions of the collectors are not to be set aside for want of form, or for irregularity in their proceedings, but on the merits only.

Collector's decisions not to be set aside for informality.

XVII. When suits respecting disputed lands and crops may be referred to a punchayet, the collector, on the application of either party, shall have authority to put one party immediately in possession, and maintain him in it until a decision shall be given.

Collectors in certain cases may put one of the litigant parties in possession of disputed lands or crops.

XVIII. The provisions of Section IV. Regulation XII. of 1816, shall be extended to all disputes between ryot and ryot, respecting the occupying, cultivating and irrigating of lands in districts, whether permanently settled or otherwise.

Section IV. Regulation XII of 1816 extended.

XIX. Plaintiffs and defendants shall be allowed to employ a relative, a servant, or a dependent, to act in their behalf in suits which may be brought before the collectors of zillahs under this Regulation.

Who may be employed as vakeels for parties under this Regulation.

XX. Suits instituted before the collectors under this Regulation shall be exempt from all stamp duties, and fees of every description, whether decided by themselves, or under their orders by village or district punchayets.

Suits under this Regulation to be free from stamp duties.

XXI. Proceedings before collectors under this Regulation shall be summary, and summonses to parties and witnesses may be either verbal or in writing at the discretion of the collector.—It shall only be necessary for the collector to keep an abstract diary in the language of the district in the following form.

Form of proceedings under this Regulation.

Names of Parties.	Abstract of Plaint.	Abstract of Decision.	Date of Delivery.

A. D. 1822. REGULATION VI.

A REGULATION for extending the powers of the Criminal Judges and of the Courts of Circuit in the trial of persons charged with breaking into houses and other places of habitation, or into warehouses, or other places used for the custody of property, with an intent to steal; or charged with theft, or with buying or receiving stolen property, knowing the same to have been stolen; or charged with escape from jail or other place of confinement.—Passed by the Honourable the Governor in Council of Fort St. George, on the 19th of July 1822.

Preamble.

WHEREAS much of the time of the Judges of Circuit is occupied in investigating the offences of breaking into, or attempting to break into, houses, tents or other places of habitation, or into warehouses, or other places used for the custody of property, with an intent to steal; of receiving or buying stolen goods knowing the same to be stolen; and of some other offences which, from their character, and from the circumstances attending their perpetration, do not very frequently demand severe punishment: And whereas the prosecutors and witnesses in such cases are exposed to great distress and inconvenience in being compelled to attend not only during the inquiry into such cases before the Criminal Judges, but subsequently during the trial before the Court of Circuit: And whereas the prisoners themselves in such cases are sometimes subjected to a prolonged detention in custody previously to their trial at the Sessions: And whereas some of the inconveniences above noticed will be obviated, and the ends of criminal justice will be more promptly and effectually obtained, by investing the Criminal Judges and the Courts of Circuit with certain powers with regard to the trial and punishment of persons charged with and convicted of such offences; the following rules have been enacted, to be in force from the date of their promulgation:

Rules for the guidance of criminal judges on the trial of offenders charged with breaking into houses, &c. with intent to steal.

II. *First.*—The Criminal Judges shall be guided by the following rules whenever individuals may be apprehended and brought before them on a charge of having committed the offence of breaking into or attempting to break into a dwelling house, tent, or other place of habitation, by night or by day, with an intent to steal; (but without open violence such as to constitute the crime of robbery by open violence, as defined in Clause first, Section III. Regulation XV. of 1803,) or with the offence of breaking into or attempting to break into any warehouse, storehouse, or other building or place used for the custody or preservation of property, either by night or by day, with an intent to steal, (but without open violence,) or of being present, aiding and abetting, in the commission of any of the offences above specified; or, although not present, of having procured or caused the perpetration of any of those offences by hire, counsel or command; or of having in any manner confederated with the actual perpetrators of them in pursuance of a preconcerted plan.

If such offences be attended with acts of violence and certain other circumstances of aggravation, the criminal judge to commit the offenders to the court of circuit.

Second.—If the perpetration of any of the offences enumerated in the preceding Clause (not amounting to the crime of robbery by open violence) shall be accompanied with wounding, burning, corporal injury, or other aggravating act of personal violence; or if the prisoners, or any of the prisoners, concerned in the offences described in the preceding Clause shall appear to have been before convicted of burglary, robbery, or other heinous crime; or if the prisoners, or any of them, shall appear to be persons of notoriously bad character, or shall be charged with having committed the offence while employed in the office of watchmen, guards or police officers; or if property be stolen of which the value or amount shall exceed the sum of one hundred Madras rupees, in all such cases it shall be the duty of the Criminal Judge to commit the whole of the prisoners who may appear from the evidence adduced to have been concerned in the offence, to take their trial before the Court of Circuit at the ensuing Session.

Punishment to be awarded by courts of circuit on such offenders when convicted.

Third. In cases of conviction before the Court of Circuit of individuals charged with any of the offences above specified, if the act be accompanied with an attempt to commit murder, whether by wounding, burning, strangling, drowning, throwing into a well, or by any other means, or be accompanied with wounding, burning, or corporal

corporal injury to any person or persons in such degree as to endanger life, the Judge of Circuit shall refer the trial to the Court of Foujdarry Adawlut, and the offender or offenders who may be convicted to the satisfaction of that Court of having been concerned as principals or accomplices in the crime, shall be liable to the same punishment as is prescribed by Section III. Regulation I. of 1822, for robbery by open violence. If the Judge of Circuit be of opinion that there are grounds for a mitigation of the prescribed punishment he shall state the same for the consideration of the Foujdarry Adawlut.

Sentence to be passed by the court of circuit when the offences specified in Clause Second may not have been accompanied with an attempt to commit murder, or with wounding, or other corporal injury endangering life.

Fourth.—In cases of conviction before the Courts of Circuit of any offences specified in the Clause second of this Section, wherein the house-breaking and theft, or attempt to commit the same, may not have been accompanied with an attempt to commit murder, nor with wounding, burning, or other corporal injury, in such degree as to endanger life, but may have been attended with wounding, or other corporal injury in a less degree, the Judge of Circuit, provided he concur in the conviction of the offender, shall, without reference to the Foujdarry Adawlut, adjudge him to suffer such punishment as may appear adequate to the offence, not exceeding thirty-nine stripes with the rattan, and imprisonment for fourteen years in banishment from the district where the prisoner may have resided.

Explanation of the preceding Clause as not extending to robbery by open violence; nor meant to authorize an enhancement of the existing penalties for burglary or theft, when not accompanied with the specified acts of aggravation.

Fifth.—Nothing in the above Clause shall be construed to empower the Courts of Circuit to pass and order execution of a sentence of conviction and punishment without reference to the Foujdarry Adawlut, in any case of robbery by open violence, as defined in Clause first, Section III. Regulation XV. of 1803, or to authorize an enhancement of the penalties declared by the Regulations in force for burglary or theft, when not accompanied with wounding or other corporal injury, nor with an attempt to commit murder by strangling or other means, as described in Clause third of this Section.

Criminal judges empowered to take cognizance of the offence of breaking into houses, &c. if unattended with the aggravating circumstances noticed in Clause Second.

Sixth.—If from the investigation held by the Criminal Judge in the cases described in Clause first of this Section, there shall appear reason to believe that any prisoner apprehended and brought before him has been guilty of the offence charged against him, but that such offence has not been attended with any of the circumstances of aggravation specified in Clause second of this Section, the Criminal Judge shall in addition to the evidence which may be adduced on the part of the prosecution, take the defence of the prisoner, and the evidence of the witnesses who may be designated by the prisoner in support of his or her defence; and after a full and deliberate investigation, shall proceed, without reference to the Court of Circuit, to pass sentence of acquittal or conviction; if the prisoner be convicted, the Criminal Judge is hereby empowered to sentence him to imprisonment with hard labour for a period not exceeding two years, and to corporal punishment, not exceeding thirty stripes of the rattan.

Punishment which the criminal judges may inflict.

III. *First.*—Under the existing Regulations, the Criminal Judges are empowered to sentence prisoners convicted before them of theft, to imprisonment for a period not exceeding six months, with corporal punishment not exceeding thirty rattans; and in cases demanding a more severe punishment, they are required to commit the prisoners for trial before the Court of Circuit; the following rules are now enacted for extending the powers of the Criminal Judges in the punishment of prisoners convicted of theft, and for defining the cases which are to be cognizable respectively by the Criminal Judges, and by the Courts of Circuit.

Rules for extending the powers of criminal judges in the punishment of persons convicted of theft, and defining cases cognizable respectively by criminal judges and courts of circuit.

In what cases of theft offenders must be committed for trial before the court of circuit.

Second.—In all cases of theft, whether in a house, warehouse, or other place, or from the person of another (not coming within the provisions of the Regulations in force for the punishment of robbery by open violence, or the provisions of Clause first, Section II. of this Regulation,) if the theft, or the attempt to commit the same, shall have been accompanied with an attempt to commit murder, or with wounding, burning, severe corporal injury, or other aggravating act of personal violence, it shall be the duty of the Criminal Judge to commit the whole of the prisoners who may appear from the evidence adduced to have been concerned, either as principals or accomplices in the offence, to take their trial before the Court of Circuit at the ensuing Session; the Criminal Judge shall also commit for trial before the Court of Circuit any prisoners charged with theft (although not attended with the aggravating circumstances above mentioned,) who from their notoriously bad character, or from their having been before convicted of a heinous offence, or from any

Criminal judges may commit prisoners accused of theft for trial before the court of circuit, although

not charged with using personal violence.

Penalties to which such persons are liable on conviction before the court of circuit.

any other peculiar circumstances of the case may appear to him deserving of a severer punishment than the Criminal Judge is authorized to inflict under the following Clauses of this Section; such persons, if convicted on trial before the Court of Circuit, will be liable to penalties prescribed in Clauses third and fourth, Section II. of this Regulation for the offences therein specified.

Criminal judges to try and decide in all other cases of theft.

Third.—With exception to the cases mentioned in the preceding Clause, the Criminal Judges shall hear and determine, without reference to the Courts of Circuit, all other cases of theft which may be brought before them; and after having duly considered the evidence which may be adduced on the part of the prosecution and of the prisoner, shall pass sentence of acquittal or conviction.

Punishment to which the prisoners are declared liable in cases of theft cognizable by criminal judges if attended with aggravating circumstances.

Fourth.—In cases of theft cognizable by the Criminal Judges under the foregoing Clause, if the amount or value of the property stolen shall exceed fifty Madras rupees; or if the persons committing the theft shall have been before convicted of theft, burglary, robbery, or other heinous offence; or if the prisoner shall have committed the offence while employed in the office of watchman, guard or police officer; or be a servant of the person from whom the property may have been stolen, or a servant employed in the house in which the theft may have been committed, as well as in all cases of cattle-stealing, the Criminal Judge shall be empowered, on proof of the guilt of the prisoner, to sentence him to imprisonment with hard labour for such period as may appear proper, not exceeding two years, and to corporal punishment, not exceeding thirty stripes with a rattan.

Criminal judges to pass sentence on the prisoners in other cases of theft.

Fifth.—In other cases of theft, not included in the foregoing provisions, the Criminal Judges shall pass sentence on the prisoners under the powers vested in them by Section VII. Regulation X. of 1816.

Rules for the guidance of criminal judges in investigating charges against receivers and buyers of stolen property.

IV. *First.*—The Criminal Judges shall be guided by the following rules in the investigation of charges preferred against individuals for the offence of receiving or buying stolen goods, cattle, jewels, money, or effects of whatever description, knowing the same to have been stolen.

Purchasers or receivers of stolen property obtained under aggravating circumstances to be tried before the court of circuit.

Second.—All prisoners who may appear to the Criminal Judge, from the investigation held by him, to be guilty of having purchased, or received plundered or stolen property of any description, knowing at the time of purchasing or receiving the same that such property had been obtained in the perpetration of robbery by open violence, or of theft, accompanied with any of the aggravating circumstances described in the Clause second, Section II. or Clause second, Section III. of this Regulation, shall be committed by the Criminal Judge to take their trial before the Court of Circuit; and such persons if convicted thereof shall be sentenced by the Judge of Circuit, according to the circumstances of the case, to such period of imprisonment as may appear proper, in no instance however, exceeding fourteen years, and to corporal punishment not exceeding thirty-nine stripes of the rattan.

Punishment on conviction.

Notorious offenders and common receivers of stolen property obtained without violence shall be also tried before the court of circuit.

Third.—The Criminal Judge shall also commit for trial before the Court of Circuit any prisoner charged with the offence of buying or receiving stolen property of whatever description, knowing at the time that such property had been stolen, although the property may not have been obtained in the perpetration of theft accompanied by any of the aggravating circumstances described in Clause second, Section II. and Clause second, Section III. of this Regulation, if the prisoner shall have been before convicted of the offence of buying or receiving stolen property, or of robbery, burglary, theft, or other heinous crime, or shall appear to be an habitual and professional receiver of stolen property, or a person of notoriously bad character; and such person shall, upon being duly convicted before the Court of Circuit, be liable to such punishment, within the limitations prescribed in the preceding Clause of this Section, as the Court of Circuit may judge proper to direct, on a consideration of all the circumstances of the case.

Criminal judges empowered to hear and decide all other cases in which prisoners may be charged with buying or receiving stolen property.

Fourth.—With exception to the cases above mentioned, the Criminal Judges shall hear and determine, without reference to the Courts of Circuit, all other cases in which individuals may be charged with the offence of buying or receiving stolen property of whatever description, knowing it at the time to have been stolen; or with the offence of having in their possession property obtained by theft or robbery, and knowing, at a period of time subsequently to its first coming into their possession, that such property had been so obtained, notwithstanding which, they may have

have kept the stolen property in their possession without restoring it to the owner, or giving information to the local police officer or Magistrate; in such cases the Criminal Judge, after having duly considered the evidence in support of the prosecution, the defence of the prisoners, and the evidence of the witnesses designated by the prisoners, shall proceed to pass sentence of conviction or acquittal; if the prisoners be convicted, the Criminal Judge is hereby empowered to sentence them to imprisonment with hard labour for a period not exceeding in any case two years, and to corporal punishment not exceeding thirty stripes of the rattan.

Criminal judges how to proceed in such cases.

Fifth.—It is hereby explained, that persons charged with the offences specified in the preceding Clauses of this Section may be brought to trial and sentenced to punishment, although the actual perpetrators of the theft or robbery may not have been convicted; provided, however, that the fact of the theft or robbery having been committed be established, and it be proved that the purchaser or receiver knew that the property in question had been obtained by theft or robbery.

Receivers may be tried and punished although the actual thief or robber may not have been convicted.

Proviso.

V. *First.*—Clause first, Section IX. Regulation XV. of 1803, is hereby rescinded.

Rescission.

Second.—The cases of convicts, or of prisoners ordered to be confined till they give security for good behaviour, who may effect their escape while under sentence or order of imprisonment from a jail or other place of confinement, or from the custody of their guards, shall be cognizable by the Criminal Judge; and upon conviction, the Criminal Judge shall be empowered to sentence the offenders to corporal punishment, not exceeding thirty stripes with a rattan, and (if sentenced to a limited period of imprisonment,) to suffer such further period of imprisonment beyond the unexpired term of their original sentence, as he may judge proper; provided, however, that such additional imprisonment shall in no case exceed the period of two years. If the prisoner be in confinement under an order to find security for good behaviour he may be sentenced to imprisonment for a specific term, not exceeding two years.

Convicts or prisoners confined for security, effecting their escape, to be tried by the criminal judge.

Punishment on conviction.

Proviso.

Third.—The cases of prisoners apprehended and detained in custody under examination on charges of a criminal nature, but not admitted to bail, who may effect their escape from a jail or other place of confinement, or from the custody of their guards, shall also be cognizable by the Criminal Judges; and such prisoners being duly convicted of the offence in question shall be liable to a sentence of imprisonment in no case exceeding six months.

Prisoners escaping from confinement while under examination to be tried and sentenced by the criminal judge.

Fourth.—The rules contained in the two preceding Clauses shall not however be considered applicable to the cases of convicts or other prisoners, who in effecting their escape, or in attempting to effect their escape, shall be guilty of such a degree of violence towards their guards or other individuals, as may in its consequences involve the wounding or severe personal injury of any person or persons. In all cases of that nature it shall be the duty of the Criminal Judge to commit the offender to take his trial before the Court of Circuit.

The foregoing rules declared inapplicable to convicts who in escaping from confinement may be guilty of acts of serious personal violence.

Criminal judges how to proceed in such cases.

VI. In addition to the calendars of persons apprehended and discharged, or punished, which the Criminal Judges are now required to submit to the Court of Circuit at the period of the Sessions, it shall be the duty of the Criminal Judges to furnish a separate list of all persons who may have been sentenced by them under the provisions of this Regulation to a longer period of imprisonment than six months, showing the names of the prisoners, the crimes with which they may have been charged, and the sentences passed upon them; and it is hereby declared that the powers vested in the Courts of Circuit and in the Foujdarry Adawlut, with regard to the revision of sentences, and orders passed by the Criminal Judges, shall be considered applicable to all sentences and orders passed by the Criminal Judges under this Regulation.

Criminal judges to submit separate lists to the courts of circuit of all persons sentenced by them to a longer imprisonment than six months.

The Foujdarry Adawlut and courts of circuit empowered to revise all such sentences and orders passed by the criminal judges.

A. D. 1822. REGULATION VII.

A REGULATION for rescinding Regulation I. of 1809, and Regulation V. of 1811, and for declaring that the appointment and removal of the native public servants of Government shall be regulated by such orders as the Governor in Council may from time to time see fit to issue:—Passed by the Honourable the Governor in Council of Fort St. George, on the 12th day of July 1822.

Preamble.

THE rules now in force relative to the appointment and removal of native servants in the several public departments under the Government having been found inconvenient in practice, as tending to impose unnecessary restraints in the removal of servants who have appeared unworthy of confidence; it has been deemed proper to rescind Regulation I. of 1809, and Regulation V. of 1811, and to leave it to the Governor in Council from time to time to issue such orders as to him may seem proper for the guidance of the heads of public offices, relative to the appointment and removal of the servants of the several departments: The following rules have therefore been enacted, to be in force from the date of their promulgation:

Rescissions.

II.—Regulation I. of 1809, Regulation V. of 1811, Section II. Regulation XII. of 1802, Section III. Regulation XIII. of 1802, Section IV. Regulation III. of 1808; such part of Section III. Regulation XXIII. of 1802, as regards the appointment and dismissal of the keepers of judicial records, and such part of Section XXXVI. Regulation II. of 1803, as relates to the appointment and dismissal of native public servants, are hereby rescinded.

The appointment and removal of public servants declared to be subject to such rules as the Governor in Council may from time to time issue.

III. *First.*—The appointment and removal of the ministerial officers of the Courts of Judicature, and of the native public servants in the revenue, commercial, and other public departments under the Government, shall be subject to such rules and orders as the Governor in Council in his discretion may from time to time see fit to issue.

The appointment and removal of law officers to remain as now, with the Sudder Adawlut.

Second.—Provided however, that the court of Sudder Adawlut shall continue, as at present, empowered to confirm the appointment, removal, and resignation of the law officers of the provincial and zillah courts.

A. D. 1822. REGULATION VIII.

A REGULATION to rescind Regulations III. of 1809, II. of 1810, and VI. of 1818, and to make provision for the investigatian of the conduct of the public officers of Government, European or Native, when necessary, in the way which in each particular case may be deemed most convenient:—Passed by the Honourable the Governor in Council of Fort St. George, on the 6th December 1822.

Preamble.

WHEREAS the rules of Regulations III. of 1809, and II. of 1810, prescribing a particular course of inquiry on charges or information of corruption, embezzlement, or other high misdemeanor against the European public officers employed in the several civil departments under the Government, have been found to be inconvenient in practice, and otherwise objectionable, the Governor in Council has resolved to rescind those Regulations, and also Regulation VI. of 1818, supplementary to the before-mentioned Regulations, and to enact the following rules to be in force from the date of their promulgation:

Rescissions.

II.—Regulations III. of 1809, II. of 1810, and VI. of 1818, are hereby rescinded.

When investigation into the conduct of the servants of Government is required, the Governor in

III.—Whenever it shall appear to the Governor in Council to be necessary that an investigation should be made into the conduct of any officer of the Government, European or Native, relative to any alleged or supposed corruption, embezzlement, breach of trust, or other gross malversation, or high misdemeanor, or violation of public

public duty, the Governor in Council will determine by what persons and in what way such investigation shall be made and conducted, on consideration of the particular circumstances of every such case.

Council will determine the mode of investigation.

IV.—Whenever the Governor in Council shall deem fit to appoint one or more Commissioners to investigate any such case, the person or persons intrusted with the inquiry shall have the same power to summon witnesses, and to administer oaths, as are possessed by the courts of Adawlut under the general Regulations; and the same penalties shall be attached to the refusal to attend or to give evidence as witnesses, and to the crime of perjury before such Commissioner or Commissioners, as before the several courts of Adawlut.

Commissioners of inquiry to have power to summon witnesses and administer oaths.

A. D. 1822. REGULATION IX.

A REGULATION for empowering Collectors to take primary cognizance of cases of malversation in revenue affairs; for prescribing the rules to be observed in such investigations, and in the recovery of money embezzled or corruptly received by public servants, and others amenable to the Collectors jurisdiction; for providing for the admission and trial of appeals from the summary decisions of Collectors in such cases; for declaring the powers of Criminal Judges and Courts of Circuit in the punishment of the offences specified in this Regulation; and for rescinding Regulation XXXIII. of 1802:—Passed by the Honourable the Governor in Council of Fort St. George, on the 20th December 1822.

WHEREAS it is necessary to the security of the revenues of Government, and to the welfare of the people, that collectors should be empowered to make summary inquiry and decision in cases in which it may come to their knowledge that the public servants under their superintendence, or the officers of the village establishments, or any other persons in their behalf, or on any assumed or pretended authority, have embezzled the public money, or made unauthorized collections, or received bribes, or extorted money or other valuable consideration, and that collectors should have power to enforce the judgments they may pass in such cases: And whereas the trial of appeals from such judgments cannot always be made with the necessary expedition, nor without public inconvenience by the regular courts, and it is therefore expedient to provide that in certain cases commissioners may be appointed to try such appeals: And whereas it is necessary to declare the powers to be exercised by criminal judges and Courts of Circuit in the punishment of the offences of bribery and corruption, and the other offences specified in this Regulation: And whereas the provisions of Regulation XXXIII. of 1802, have been found inefficient for the purpose for which they were intended; and it is therefore deemed proper to rescind that Regulation, the Honourable the Governor in Council has therefore enacted the following rules to be in force from the date of their promulgation:

Preamble.

II. *First.*—Collectors of the land revenue are hereby authorized to take primary cognizance of all cases, in which persons of any of the several descriptions hereinafter specified shall be accused or suspected of having wilfully committed, or allowed to be committed, any of the acts of malversation particularized in clause second of this section; and on proof of the guilt of the accused or suspected persons, to inflict on them such punishments as by this Regulation the said collectors are authorized to adjudge.

Collectors authorized to take primary cognizance of cases of malversation in revenue affairs.

Second.—The several classes of the offences cognizable by collectors under this Regulation are declared to be as follows, viz.

Specification of the offences cognizable under this Regulation.

1st. Exacting or corruptly receiving, either directly, or through the means or agency of any other person, any money, or other valuable consideration, for doing or procuring to be done any public or official act for which no such payment or gift could be lawfully demanded or received, or for the purpose, or under pretence of obtaining or securing some undue gain, benefit or advantage, to the giver of such money or other valuable consideration.

Exacting or corurptly receiving money, &c. for the perfomrance of official acts.

2d. Levying extra and unauthorized cesses or extra collections of any kind not sanctioned by the Regulations, nor by the orders of Government, and intended for

Levying extra collections.

the private and personal use and profit of the persons levying or causing the same to be levied.

Embezzling public money.

3d. Embezzling or fraudulently misappropriating the public money.

Making false entries in the public accounts.

4th. Making false or fraudulent entries in the public accounts or other records, either in regard to the receipt or expenditure of public money in any of the departments under the collector's superintendence, or concerning the extent, value, classification or assessment of land.

Falsifying, destroying, or concealing public accounts.

5th. Knowingly and wilfully falsifying, destroying, or concealing public accounts, or vouchers or documents of any kind immediately relating to the receipt or expenditure of the public money.

Descriptions of persons subject to the collector's authority under this Regulation.

Third.—The classes or descriptions of persons in regard to whom the collector shall have authority to exercise the powers of summary investigation, decision and punishment, granted to them by this Regulation, are declared to be as follows, viz.

1st. All the native servants of the collectors public establishments.

2d. All head inhabitants, curnums, and their gomastahs, or persons doing the duty for them, and all other village officers and servants within their respective collectorates.

3d. All persons not on the public establishment, whether being in the private service of a collector, sub-collector, or assistant to a collector, and pretending to act under his or their authority, or whether assuming the character of public officers, or acting or pretending to act under the authority or on the behalf of revenue servants or village officers, who shall in any way interfere in the collection or disbursement of the public money, or who shall demand or receive money as public revenue, or as for revenue purposes, or shall exact or receive money, or other valuable consideration, under pretence of procuring some public act to be done, or some undue advantage to be given by public officers to the persons from whom such money or other valuable consideration shall have been taken.

Collectors empowered to summon witnesses and to require the production of documentary evidence.

III. *First.*—Collectors shall have power to summon before them as witnesses all persons whose evidence may appear necessary to the due investigation of the cases referred to in this Regulation, as well for as against the accused or suspected persons, and to require the production of documentary evidence. The summonses to be issued by collectors for this purpose shall bear their official seal and signature, and shall specify the time and place of the witnesses attendance, and if reference to documentary evidence be required, the summonses shall contain a requisition to the witnesses in whose possession they may be, to bring such documents along with them.

Collectors how to proceed if witnesses shall not attend, or refuse to give evidence.

Second.—If any person, after being duly summoned, shall not attend at the time and place appointed, or having attended and taken the oath required, shall refuse to give evidence, the collector, if it be proved to his satisfaction that the evidence of the person not attending or refusing to give evidence is material to the case, shall communicate the same, by means of the Government pleader, to the judge of the Zillah to the jurisdiction of which such person may be amenable; and the judge is hereby directed and required to proceed against such person not attending, or refusing to give evidence, in the same manner as if he had not attended, or had refused to give evidence in the Zillah Court.

Witnesses residing in other zillahs to be examined by the judge of the zillah in which they reside.

Third.—If any witness whose evidence is required by a collector shall reside out of the jurisdiction of the zillah to which the collector is amenable, the collector shall transmit written interrogatories to the judge of the zillah in whose jurisdiction the witness may reside, who shall procure the written answers of the witness to such interrogatories, in the manner prescribed in Section VII. Regulation III. of 1802, and shall return the same to the collector. Whenever a witness may be examined on interrogatories in conformity with the foregoing rule, whether on behalf of the Government, or of the accused, the opposite party shall have the right of transmitting cross interrogatories at the same time, and the answers of the witness thereto shall be taken and returned in like manner.

Cross interrogatories may at the same time be put.

Investigations under this regulation to be summary.

IV. The investigations which collectors are authorized to make under this Regulation shall be summary.—Witnesses shall be examined on oath in the mode most binding

binding on their consciences, or if persons of rank or caste that exempts them from taking an ordinary oath, then on a solemn declaration in the form prescribed by the Regulations in such cases. All documents produced in evidence shall be indorsed by the collector with his signature or initials, and marked with the date of their production. A summary of the defence shall be recorded, and the decision of the collector, with a brief statement of the grounds on which it is formed, shall be entered on the proceedings.

Rules of procedure.

V. *First.* When persons of any of the descriptions mentioned in Clause Third, Section II, of this Regulation, shall be convicted before a collector, on an inquiry conducted under this Regulation, of any of the offences of the 1st, 2nd or 3d class specified in Clause Second of that Section, the collector shall have authority to sentence them to pay any sum not exceeding twice the amount of the money ascertained to have been extorted, unduly received, embezzled, or misappropriated.

Sentence which collectors may pass on persons convicted of the offences of the 1st, 2d, or 3d class specified in Clause Second, Section II. of this Regulation.

Second. After a judgment has been passed by a collector for the payment of money under the foregoing clause, the person against whom such judgment has passed shall be kept in custody until that judgment shall have been satisfied, first, in the collector's cutchery, and afterwards, if necessary, in the zillah jail as hereinafter provided.

Convicted persons to be kept in custody until the judgment has been satisfied.

Third. The judgments of collectors for the recovery of money under the preceding clause shall be executed in the same manner as decrees of the Courts of Adawlut, by a warrant under the official seal and signature of the collector, which shall specify the name of the person against whom the judgment has passed, the date of the judgment on the collector's proceedings, and the amount to be levied.—In the execution of this warrant, the property of the defaulter shall be seized wherever or in whose possession soever it may be found.—If property, which there is good reason to believe belongs to the defaulter, be claimed by any other person, the same shall nevertheless be attached by the officer charged with the execution of the warrant.—If the property so attached be moveable it shall be brought before the collector, or if not moveable, a full report thereof shall be made to the collector, who will hold a summary inquiry on the claim preferred, or refer such inquiry to a punchayet.—If the property be proved to belong *bona fide* to the defaulter, a particular account of its nature and value shall be entered on the collector's proceedings, after which he shall order it to be sold in like manner as the rest of the property attached under the warrant of execution.

The judgments of collectors how to be executed.

Fourth. When any of the before-mentioned persons shall be convicted of any of the offences of the 4th or 5th class specified in Clause Second, Section II. of this Regulation, the collector shall impose such fine not exceeding 500 Arcot rupees, as may appear reasonable, and in default of payment of such fine he shall further sentence the offender to imprisonment for a period not exceeding 12 months, or until the said fine shall have been paid.

Persons convicted of the offences of the 4th or 5th class specified in Clause second, Section II. of this Regulation, how punishable.

VI. In cases where no examination of witnesses may be necessary, as where money actually delivered in charge to a public servant has been embezzled, or is not forthcoming when called for, and the amount embezzled has been clearly ascertained by reference to the public accounts of the Cutcherry, collectors shall make in writing a demand of the specific amount due by such public servant, and on refusing or neglecting to satisfy the demand, shall proceed to recover the amount by distraint and sale of the defaulter's property, and if necessary, by imprisonment of the defaulter's person, in the same manner as for the recovery of arrears of revenue.

In what cases Collectors shall make demand in writing, of a specific amount as due by a public servant, and further procedure in such cases.

VII. Whenever a collector shall be about to institute an inquiry under this Regulation, if he shall have good reason to believe that the accused or suspected person has concealed or collusively transferred, or is about to conceal or collusively transfer, his property for the purpose of evading such order or judgment as may eventually be passed after such inquiry, the collector is hereby authorized to call on such person to give security to such amount as he may consider sufficient to provide for the fulfilment of the judgment that may be eventually passed; and in default of good and sufficient security being given as required, he shall be authorized to attach the property of the accused or suspected person, and to hold the same in attachment until judgment shall have been passed in the said inquiry.—The warrant of attachment to be issued in such cases shall follow the property of the accused or

In what cases Collectors may call on suspected or accused persons to give security for the fulfilment of the judgment that may be eventually passed.

And if such Security be not given, Collector how to proceed.

suspected person wherever or in whose possession soever it may be found.—In the event of property seized under this section being claimed by any other person, the collector shall proceed as directed in like cases in Clause Third, Section V. of this Regulation.

In what cases a Collector may issue Proclamation requiring property of defaulters to be surrendered to him.

VIII. In all cases where an accused or suspected person has refused or neglected to deposit security according to the collector's requisition as provided in Section VII. and in all cases where a judgment has passed under the provisions of Clause First Section V. of this Regulation, as well as where a defaulter has failed to satisfy the public demand against him, made under the provisions of Section VI. of this Regulation, it shall be competent to a collector to issue a proclamation, requiring all persons holding property belonging to the defaulter to surrender the same to him within a specified period, not being less than fifteen days after the publication of such proclamation; and after the expiration of such specified period, any person who may be convicted before the Criminal Judge (who is hereby empowered to take cognizance of such cases,) of having fraudulently concealed or collusively received such property, shall be sentenced by him to pay a fine not exceeding three times the amount of the value of the property so fraudulently concealed or collusively received by such person, and to be imprisoned until such fine be paid.—The Criminal Judge shall levy the amount of the fine by the usual process, and in the event of the full amount of the fine not being realized shall commit the offender to confinement in the zillah jail; provided however, that the period of confinement under this section shall in no case exceed twelve calendar months.

Persons convicted before the Criminal Judge of concealing such property, how to be punished.

In what cases Collectors may issue search-warrants for the discovery of papers or accounts.

IX. If information on oath shall be given before a collector, that revenue papers or accounts, or papers and accounts respecting frauds or embezzlements in the public revenue, have been fraudulently concealed and deposited in any particular premises, he shall be competent to issue warrants under his own official seal and signature, addressed to one or more public officers of his establishment, commanding search to be made on the premises for the discovery of such papers or accounts.

Search-warrants how to be executed.

Search-warrants thus issued shall be executed between sun-rise and sun-set only, and where practicable, in the presence of two or more respectable inhabitants of the village in which the house or place authorized to be searched may be situated; a full and perfect list of all papers and other things whatsoever seized in virtue of such warrants shall be made out in duplicates on the spot, both copies shall be signed by the officer executing the warrant, and by the inhabitants or witnesses present; one copy of such list shall be given to the occupier of the house, or some person on his behalf, and the other shall be annexed to the warrant when returned to the collector. Provided, however, that nothing contained in these rules shall be construed to authorize any but females to enter the *Zenana*, or apartments of the women, in houses belonging to those classes whose women do not ordinarily appear in public.

Property how to be sold in satisfaction of orders, and judgments of Collectors under this Regulation.

X. Whenever it may be necessary to sell property in satisfaction of an order or judgment of the collector under the provisions of this Regulation, the sale shall be conducted by the tahsildar, or other public servant to whom the collector may delegate that duty, and the rules of Sections XXI. XXII. XXV. XXVI. and XXVII. of Regulation XXVIII, of 1802, as far as they relate to the notification, publicity and fairness of such sales, shall be adhered to by the officer conducting the sale, who, if he shall neglect to observe those rules as far as they apply, and shall knowingly permit any unfair dealing, either in the appraisement or sale of such property, shall be liable to be fined by the collector, in such amount as may suffice to make good the loss sustained in consequence of the unfair practices which he may have so permitted, and in default of payment of such fine shall be committed to the zillah jail by the collector for a period not exceeding one year, or until such fine shall have been paid.

Judgments of Collectors not to be executed until sanctioned by the Board of Revenue.

XI. No judgment passed by a collector under Section IV. of this Regulation shall be carried into execution until his proceedings shall have been submitted to the Board of Revenue, and have been sanctioned by them.

Collectors may pay to persons from whom money has been unjustly received, the whole or part of sums recovered.

XII. A discretionary authority shall be vested in collectors, subject to the approval and sanction of the Board of Revenue, to pay to persons from whom money has been exacted or unjustly received, the whole or such part of the sum recovered under the provisions of this Regulation as may appear proper on consideration of the circumstances of the case; provided moreover, that such persons shall be entitled

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in all cases to receive back whatever they may have so given to a public servant of Government, if they shall inform the collector, subordinate collector, or assistant of such exaction or undue receipt of money, within two months after its payment or delivery by the said informants.

Persons who shall report exaction of money within two months to be repaid in all cases.

XIII. *First.* Collectors are authorized to keep under restraint any persons against whom they may have instituted an inquiry under the provisions of this Regulation, either by placing peons over the dwelling-house of any such persons, to prevent their escape, or, if necessary, by confinement in the cutcherry; and if judgment be given against such persons, then to continue the restraint until the amount adjudged has been paid by them, or the amount realized by sale of the property attached in satisfaction of the order or judgment.

Persons against whom an inquiry is going on under this Regulation, may be kept under restraint.

Second. In the event of no property of a person against whom an order or judgment has been passed under this Regulation, being forthcoming, or not sufficient to pay the amount due by him, the collector shall forward the defaulter or offender to the Zillah Court, and shall at the same time furnish the Government Vakeel of the said court with instructions to present a motion to the Judge for his confinement, until the amount due, which shall be distinctly stated in the said motion, shall have been discharged, or until the collector shall again move the court for his release. The zillah Judge shall receive such motion whether in or out of court, and shall order the confinement of the party accordingly, and the judge shall not discharge him from confinement, except on his paying the full amount mentioned in the collector's motion, or on application from the collector.

In what cases defaulters or culpable persons may be committed to the Zillah Jail.

XIV. *First.* Whenever a person, against whom a judgment or order of a collector shall have passed under the provisions of Section V. or Section VI. of this Regulation, shall conceive himself aggrieved by such decision, he shall be at liberty to present to the collector a petition addressed to the Governor in Council, which the collector shall forthwith forward to the Board of Revenue to be immediately submitted by them to the Governor in Council. The petition shall be written on unstampt paper, and shall state the grounds on which the petitioner deems himself aggrieved, and the redress or relief to which he considers himself entitled.

Persons conceiving themselves aggrieved by decision under this Regulation, may appeal by petition to the Governor in Council on unstampt paper.

Second. On receipt of such petition, the Governor in Council, after making such inquiry as he may judge necessary, will either direct the relief prayed for by the petitioner to be granted, or will appoint a Commission to investigate the case as hereinafter provided, or will simply reject the petition by indorsement under the hand of the chief secretary, or secretary to Government, referring the party complaining to seek redress, if he think proper, in the established Courts of Adawlut.

The Governor in Council will direct the relief prayed for to be granted, or appoint a Commission of Appeal, or refer the party to seek redress in the established Courts of Adawlut.

XV. *First.* Whenever it shall appear to the Governor in Council that it would be inexpedient that a petition of the nature referred to in Clause First of the preceding Section should be referred for investigation to the zillah or provincial courts, he will appoint one or more Commissioners to revise the proceedings of the collector, and will order the Commission to sit at such place as may appear to be most convenient.

In what cases a Commission of Appeal will be appointed.

Second. A Commission appointed under this Regulation shall be vested generally with the same powers as Zillah Courts under the Regulations in force, so far as such powers are necessary to the full and efficient discharge of the duties to be executed. The proceedings of Commission are to be governed by the rules and maxims of justice, and in all points not expressly provided for in this Regulation, the provisions contained in the general Regulations are to be observed as far as they may be consistent and applicable.

Powers of Commission appointed under this Regulation.

Third. The Commission shall call for and examine the proceedings and evidence recorded by the collector on the summary inquiry which preceded, and on a full consideration of the whole of the evidence shall decide whether the judgment or order passed by the collector, and appealed from, was just and equitable, or if otherwise, in what particulars it was erroneous; and shall order the repayment, with reasonable interest, of any sum which had been adjudged by the collector to be due and payable, but which the Commission shall find not to have been so due, and shall order the repayment of such sum, with reasonable interest; and if any property had been sold in satisfaction of such order or judgment of the collector, the

Commission how to proceed.

how judgment to be given.

commission, in revising the order or judgment, shall determine the amount of compensation to be paid on account of such property so sold; and shall further have authority to adjudge such reasonable costs and charges as may appear sufficient to compensate the complainant for any loss or injury sustained, or for unjust detention of the complainant, or for actual charges or expenses incurred.

Commiſſion to forward their proceedings to the Governor in Council.

Fourth. When the proceedin s shall have been closed, or as soon afterwards as circumstances will admit, the Commission shall forward the whole of the proceedings and evidence, with the final judgment on the case, to the Governor in Council.

The deciſions of Commiſſions final. Governor in Council to determine how compenſations when awarded, ſhall be paid.

Fifth. The decisions of Commissions under this Regulation shall be final. But it shall rest with the Governor in Council to determine, in the case of compensation being awarded under the foregoing Clause, whether the amount shall be paid from the public treasury, or whether, (as in cases where the proceedings of the collector on the primary inquiry shall appear to have been unfair and unjustifiable, or where he may appear to have been culpably negligent in regard to the mode of disposing of the complainant's property,) the whole or any part of such compensation shall be made good by the collector who conducted the primary inquiry and the proceedings, in execution of the summary judgment.

In what caſes property attached ſhall be held in attachment pending the appeal—If the party appealing give good ſecurity, he ſhall be releaſed from confinement, pending the inveſtigation in appeal.

Sixth. If the petition of appeal from a summary judgment of a collector passed under this Regulation be presented before the property which may have been attached has been sold, such property, or any part that may still be unsold, shall be held in attachment pending the appeal; and where the property attached may be sufficient for the security of the amount adjudged by the collector on the primary inquiry, or where the party appealing may give good and sufficient security for the ultimate fulfilment of the collector's judgment, he shall be released from confinement pending the investigation by the Commission.

Decree of the Commiſſion how to be executed.

Seventh. If the decree of the Commission confirm the judgment of the collector, the decree shall be executed in like manner as the decree of the Court of Adawlut; and if the amount finally adjudged be not paid, the appellant and his sureties, where he may have given the security of others, shall be committed to the zillah jail by an order of the Commissioner or Commissioners bearing his or their signature, and specifying the amount to be levied; and such order shall be a sufficient warrant to the Zillah Judge to receive such persons into the zillah jail; and to keep them there until the amount decreed against them be fully paid—or until the collector, under the orders of the Board of Revenue or of Government, apply for their release.

Suits grounded on proceedings of a Collector under this Regulation not to be received by Courts of Adawlut, unleſs the party complaining have been referred there by indorſement from the Governor in Council.

XVI. No suit grounded on the summary proceedings of a collector under this Regulation, either in the form of an original complaint against such collector, on account of any supposed injustice in conducting such proceedings, or of an appeal from his judgment, shall be received by any Court of Adawlut unless the plaint or petition is accompanied by the order referred to in Clause Second, Section XIV. or this Regulation, remitting the party complaining to seek his redress in the Courts of Adawlut.

Criminal Judges may puniſh perſons for the offences enumerated in Clauſes ſecond, third, fourth, fifth and ſixth of Section II. of this Regulation.

XVII. *First.* Criminal judges are hereby authorized to take cognizance of such cases as collectors may bring before them, where any of the persons mentioned in Clause Third of Section II. of this Regulation may be accused of having committed any of the offences enumerated in Clause Second of the same Section; and on conviction, to sentence such persons to imprisonment, in no case exceeding one year.

Criminal Judges may puniſh perſons for giving bribes to any public revenue officer or ſervant.

Second. Criminal Judges are likewise authorized to take cognizance of all cases where any person shall be charged with having given a bribe to any public officer or servant on the collector's establishment, or any head inhabitant, or other village officer; and on conviction to sentence such person to pay a fine not exceeding twice the amount of the bribe proved to have been paid, and in default of payment to suffer imprisonment for a period not exceeding one year, or until the fine be paid.

In caſes of an aggravated nature, Criminal Judges ſhall

XVIII. First. In cases of an aggravated nature brought before a criminal judge under the foregoing section, if he shall be of opinion that the sentence which he is

is authorized to inflict is not adequate to the punishment of the offence, he shall commit the parties to take their trial before the Court of Circuit.

commit the parties for trial before the Court of Circuit.

Second. The Court of Circuit are hereby authorized, on the conviction of any persons brought before them of any of the offences enumerated in Clause Second of Section II. of this Regulation, to sentence the offenders to imprisonment for a period not less than one year, nor exceeding five years, and with or without hard labour, as in consideration of all the circumstances of the case may seem proper.

Courts of Circuit authorized to punish for the offences enumerated in Clauses second, third, fourth, fifth and sixth of Section II. of this Regulation.

XIX. Regulation XXXIII. of 1802 is hereby rescinded.

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

REGULATIONS

PASSED BY THE GOVERNMENTS

OF

Bengal, Fort St. George, and Bombay,

IN THE YEARS

1823 and 1824.

(Presented in pursuance of Act 53 Geo. III. c. 155, sec. 66.)

Ordered, by The House of Commons, *to be Printed,*
13 *March* 1826.

I. — BENGAL - - - - (1823) - - - pp. 5—16
II. — BENGAL - - - - (1824) - - - pp. 16—74

III. — FORT ST. GEORGE - (1823) - - - pp. 75—77
IV. — FORT ST. GEORGE - (1824) - - - - p. 77

V. — BOMBAY - - - - (1823) - - - pp. 78—87
VI. — BOMBAY - - - - (1824) - - - pp. 88—90

REGULATIONS passed by the Governments of BENGAL, FORT ST. GEORGE, and BOMBAY, in the Years 1823 and 1824; presented to the Honourable the House of Commons, in pursuance of an Act of Parliament of the 53 Geo. III. c. 155, sec. 66;—Viz.

I.—Regulations passed by the Governor General in Council of BENGAL, in the Year 1823;

N° I. to VII.

Regulation.

I.—To amend certain parts of Regulation I. 1821:—
Passed on the 20th February 1823 - - p. 5

II.—For the more effectual suppression of Affrays:
Passed on the 20th March 1823 - - p. 6

III.—For preventing the establishment of Printing-Presses without License; and for restraining under certain circumstances the circulation of printed Books and Papers:
Passed on the 5th April 1823 - - - p. 7

IV.—For declaring the intent of Section XIV. Regulation VII. 1794, and for prohibiting the Judges of Circuit holding the Gaol Deliveries from trying any case in which the prisoner or prisoners may have been committed for trial by themselves, in the capacity of Superintendent of Police, Magistrate, Joint Magistrate or Assistant Magistrate; for modifying the third and fourth Clauses of Section II. Regulation XIV. 1811, and for rescinding Sections IV. and V. Regulation XXIV. 1814, and Sections II. and IV. Regulation XXV. 1814:—
Passed on the 29th May 1823 - - - p. 9

V.—For giving currency throughout the Provinces dependent on the Presidency of Fort William, to Rowannahs issued by the Officers in charge of the Dehlee Territory, for reducing the Transit Duty chargeable on Piece Goods, the manufacture of the British Territories, from $7\frac{1}{2}$ to $2\frac{1}{2}$ per Cent, and for making certain other alterations in the Rules applicable to the Collection of Customs:
Passed on the 19th June 1823 - - - p. 10

VI.—For authorizing the institution of Summary Suits to enforce the execution of certain Written Engagements for the cultivation and delivery of Indigo Plant, and for declaring certain Principles in regard to the same:—
Passed on the 10th July 1823 - - - p. 11

VII.—For prohibiting Loans by Covenanted Civil Servants from persons subject to their official authority and influence:—
Passed on the 30th October 1823 - - p. 15

II.—Regulations passed by the Governor General in Council in BENGAL, in the Year 1824;

N° I to XVI.

Regulation.

I.—For enabling the Officers of Government to obtain, at a fair valuation, Land or other Immoveable Property, required for Roads, Canals, or other public purposes, and for declaring in what manner the claims of the Zemindars, and of the Officers in the Salt Department, are to be adjusted in certain Districts, where Lands are required for the purposes of Salt Manufacture:—
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II.—For abolishing the Furruckabad Mint, and for modifying some of the Rules in force relative to the Furruckabad Rupee:—
Passed on the 5th February 1824 - - p. 25

III.—To empower Government to extend the Jurisdiction of Registers in certain cases:—
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IV.—To provide more effectually for the Office of Register of Deeds:—
Passed on the 12th February 1824 - - ibid.

V.—For extending the operation of Regulation VI. 1823, to the Provinces of Orissa, Behar and Benares, and to the Ceded and Conquered Provinces:—
Passed on the 4th March 1824 - - - p. 28

VI.—For defining the course of proceeding to be pursued by the Magistrates with respect to Individuals charged before them with two or more offences, in certain cases; for modifying Clause Second, Section II. and for amending certain other provisions of Regulation XII. 1818:—
Passed on the 25th March 1824 - - ibid.

VII.—For explaining and amending certain parts of the Regulations at present in force, respecting the Manufacture and Sale of Spirituous Liquors and Intoxicating Drugs, and for enacting certain Rules for the better security of the Revenue derived from the exclusive Manufacture and Sale of Opium:—
Passed on the 25th March 1824 - - p. 29

VIII.—For rescinding Regulation IV. of 1813, for determining the Rates of Toll to be levied on Boats, Rafts, Timbers, and the like, passing through the Bhagaruttee, Jellinghee, Issamuttee, Matabhangah, and Choornee Rivers, and for providing for the better collection of the Toll, and for the secure Navigation of the aforesaid and other Navigable Rivers:—
Passed on the 8th April 1824 - - - p. 39

IX.—To extend, with certain exceptions and conditions, the existing settlement in the conquered Provinces and in Bundlecund, for a further period of five years:—
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X.—For modifying and amending the Rules at present in force, in regard to the pardon of persons charged with or suspected of Criminal Offences:—
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Regulation.

XI.—For empowering the Zillah and City Judges and Magistrates, to depute their Registers or Assistants, for the purpose of making local investigation in certain cases:—
Passed on the 15th July 1824 - - - p. 49

XII.—For reviving the Penalty formerly imposed on wilful Revenue Defaulters:—
Passed on the 22d July 1824 - - - p. 50

XIII.—For making further provisions relative to the Office of Sudder Aumeen:—
Passed on the 22d July 1824 - - - p. 51

XIV.—For modifying the Rules in force for referring to the Collectors Summary Suits in cases of arrear or exaction of rent:— Passed on the 22d July 1824 - - - p. 53

XV.—For enabling the Magistrates and Joint Magistrates to take summary cognizance of cases of forcible dispossession from, or disturbance in the possession of Land or other Property, subject to a regular Suit in the Civil Court:— Passed on the 22d July 1824 - - - p. 54

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III.—Regulations passed by the Governor in Council of Fort St. George, in the Year 1823;

N° I. to III.

Regulation.

I.—Prescribing the course of proceeding to be observed in regard to Suits instituted in the Courts of Adawlut against the Public Officers of Government:—
Passed on the 3d January 1823 - - p. 75

II.—For authorizing a Special Appeal from the Decrees of Registers and Sudder Ameens, and for modifying the provisions of Section XIV. Regulation VIII. of 1816:—
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III.—For rescinding Section XI. Regulation IX. of 1822, and for declaring the powers of Subordinate and Assistant Collectors, in the execution of the provisions of Regulation IX. of 1822:—
Passed on the 8th August 1823 - - ibid.

IV.—Regulation passed by the Governor in Council of Fort St. George, in the Year 1824;

Regulation.

I.—For extending to the Criminal Courts the Rules prescribed in Section VII. Regulation III. 1802, for procuring the Attendance and Evidence of Witnesses:—
Passed on the 26th November 1824 - - p. 77

V.—Regulation passed by the Governor in Council of Bombay, in the Year 1823;

Regulation.

I.—Defining the circumstances that constitute a Title to hold Land exempt, either wholly or partially, from the payment of Revenue; prescribing the rules of limitation in regard to actions of various descriptions, repealing certain Regulations now in force on those subjects, and enacting a special limitation, as to acknowledgments in writing, granted under former Governments by Cultivators:— Passed on the 2d April 1823 - - - p. 78

VI.—Regulations passed by the Governor in Council of Bombay, in the Year 1824;

N° I. to IV.

Regulation.

I.—For authorizing the Zillah Civil Courts under the Presidency of Bombay to execute judgments passed by any other Civil Authority:— Passed on the 31st March 1824 - - p. 88

II.—For removing doubts as to the Construction of Section XXVIII. Regulation I., A. D. 1823:
Passed on the 7th April 1824 - - - ibid.

III.—Fixing the period from which Section XXIX. Regulation I., A. D. 1823, is to take effect; and further prescribing a peculiar mode for the calculation of the periods of limitation specified in Section XXIX. and XXX. of the above cited Regulation, in certain Causes in the Zillah of Broach:—
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IV.—For rescinding Section IX. Regulation VI., A. D. 1820, and Section VI. Regulation V., A. D. 1820, and appointing a Second Register to the Courts of Sudder Adawlut and Sudder Foujdary Adawlut:— Passed on the 19th May 1824 - - - ibid.

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*, in the Year 1823. N° I. to VII.

A. D. 1823. REGULATION I.

A REGULATION to amend certain parts of Regulation I. 1821:—Passed by the Governor General in Council on the 20th February 1823; corresponding with the 10th Phaugun 1229 Bengal era; the 25th Phaugun 1230 Fussily; the 11th Phaugun 1230 Willaity; the 10th Phaugun 1879 Sumbut; and the 7th Jummud Usany 1238 Higeree.

Preamble.

WHEREAS the rule contained in the first Clause of Section III. Regulation I. 1821, has been construed as barring cognizance, by the Commissioners acting under the provisions of the said Regulation, of suits to recover possession of land illegally or wrongfully disposed of by public sale, excepting in cases wherein the sale shall have been effected by the undue influence of a public officer: and whereas such a restriction of the jurisdiction of the said Commissions appears to be, not only incompatible with the design of the said Regulation, but also inexpedient, inasmuch as it in many cases restrains the Commissioners from annulling sales of which the illegality has been fully established, and exposes the parties, who have suffered by such sales, to unnecessary expense and delay, that must attend the institution of a new suit in the ordinary Civil Court: and whereas it has appeared to the Governor General in Council to be advisable that the Commissions aforesaid should have cognizance of all suits and claims to recover possession of land lying within the local limits to which their authority may extend, which may have been lost through, or by consequence of, public sales made in liquidation of alleged arrears of Revenue within the period specified in Clause first, Section III. of the said Regulation; the following rules have been enacted, to be in force from the date of their promulgation.

Part of Clause first, Section III, Regulation I. 1821, rescinded.

II. *First.*—Such part of Clause first, Section III. Regulation I. 1821, as restricts, or can be construed to restrict, the cognizance of the Commissioners acting under the provisions of that Regulation, in the matter of suits to recover possession of lands lost through public sales, to cases wherein such sales have been effected by the undue influence of a public officer, is hereby rescinded.

Commissioners acting under Regulation I, 1821, empowered to take cognizance of certain suits, in cases specified in Clauses second, fourth, fifth and sixth, Section III. Regulation I. 1821.

Second.—In the several cases specified in Clauses second, fourth, fifth and sixth, Section III. Regulation I. 1821, as well as in all cases wherein it may appear that any plaintiff has been deprived of his rights by an illegal sale, made within the period specified in the first Clause of the said Section, it shall and may be lawful for the Commissioners, acting under the provisions of that Regulation, to take cognizance of any suit preferred to them, and to pass judgment on the same, although there may be no proof that undue influence was exercised by any public officer to the injury of the plaintiff.

In what cases undue influence need not be pleaded or established by Plaintiffs.

Third.—Provided also, that in the cases specified in Clause third of the aforesaid Section, if there shall be proof, or strong presumption, that the purchase or acquisition of the property sued for was effected by violence, extortion, oppression or fraud, it shall not be necessary for the plaintiff to plead or establish that undue influence was exercised.

Commissioners empowered to re-hear suits which may have been dismissed by them under certain circumstances.

Fourth.—Provided further, that in all cases wherein the Mofussil Special Commission may have dismissed the claim of any person suing under the provisions of the said Regulation, on the ground that the case was not cognizable by the said Commission, from default of proof that undue influence had been exercised, it shall and may be lawful for the Commissioners aforesaid to rehear the suit, and to pass judgment thereon under the above provisions, in the same manner as if it had been preferred subsequently to the promulgation of this Regulation.

Sudder Special Commission to be guided by this Regulation.

Fifth.—In like manner the Sudder Special Commission shall be guided by the provisions of this Regulation in all cases which may now be pending in appeal before them, or in which an appeal may hereafter be preferred to them, and in cases wherein their decree or order may have been for the dismissal of any suit, on the ground that the exercise of undue influence was not established, it shall and may be lawful for the said Sudder Commission to review the case, and to pass judgment thereupon, in the same manner as if the case had been instituted subsequently to the promulgation of this Regulation.

A. D. 1823. REGULATION II.

A REGULATION for the more effectual suppression of Affrays:—Passed by the Governor General in Council on the 20th March 1823; corresponding with the 8th Chyte 1229 Bengal era; the 23d Chyte 1230 Fussily; the 9th Chyte 1230 Willaity; the 8th Chyte 1880 Sumbut; and the 6th Rujeeb 1238 Higeree.

Preamble.

WHEREAS the offence of affrays regarding land, and arising from other causes, is still extremely prevalent, and whereas, with a view to obviate the ill consequences that might result from too great a degree of lenity in the sentences passed upon proof of this offence before the Courts of Circuit, it has been deemed advisable to fix a minimum of punishment in such cases for those Courts, the following rules have been passed, to be in force from the time of their promulgation throughout the territories immediately dependent on the Presidency of Fort William.

Persons duly convicted before the Courts of Circuit, of a charge of affray attended with homicide, not to be sentenced to a shorter period of imprisonment than five years.

II. From and after the promulgation of this Regulation, whenever any person or persons committed for trial to the Court of Circuit on a charge of affray attended with homicide, shall be convicted by the law officer, with the concurrence of the Judge of Circuit, of the offence above mentioned, it shall not be competent to the Judge of Circuit to sentence the person or persons so convicted to a less term of imprisonment than five years from the date of such sentence, with or without labour, and corporal punishment.

But in instances in which the above sentence may appear too severe, the cases to be referred to the Nizamut Adawlut.

III. Whenever, with regard to any person or persons so convicted, the Judge of Circuit shall be of opinion that the punishment above stated is more than adequate to the offence, he shall issue no sentence in the trial, but shall refer the case for the sentence of the Nizamut Adawlut, setting forth at large, in his letter of reference, the grounds on which he may apply for a mitigation.

The foregoing rules not to alter certain other existing provisions for the punishment of persons convicted of affrays.

IV. Nothing in this regulation shall be construed to alter the existing rules by which a Judge of Circuit is competent, in such cases, to pass a sentence of seven years imprisonment, with or without the addition of labour and stripes, or those by which, where he may consider even that punishment to be inadequate to the offence, he is authorized to refer the trial, for a still heavier punishment, to the Court of Nizamut Adawlut.

A. D. 1823. REGULATION III.

A REGULATION for preventing the establishment of Printing-Presses without Licence; and for restraining, under certain circumstances, the circulation of printed Books and Papers:—Passed by the Governor General in Council on the 5th April 1823; corresponding with the 24th Chyte 1229, Bengal era; the 10th Chyte 1230 Fussily; the 25th Chyte 1230 Willaity; the 9th Chyte 1880 Sumbut; and the 22d Rujeeb 1238 Higeree.

Preamble.

WHEREAS it is deemed expedient to prohibit, within the territories immediately subordinate to the presidency of Fort William, the future establishment of printing-presses, and the use of any such presses, or of types or other materials for printing, except with the previous sanction and licence of Government, and under suitable provisions to guard against abuse; and whereas it may be judged proper to prohibit the circulation, within the territories aforesaid, of particular newspapers, printed books or papers of any description, whether the same may be printed in the town of Calcutta or elsewhere; the following rules have been enacted, to be in force from the date of their promulgation within the territories immediately subordinate to the Presidency of Fort William.

The printing of books and papers, and the use of printing-presses prohibited, except with the licence of Government.

Violation of this rule, how punishable.

II. No person shall print any book or paper, or shall keep or use any printing-press or types, or other materials or articles for printing, without having obtained the previous sanction and licence of the Governor General in Council for that purpose; and any person who shall print any book or paper, or shall keep or use any printing-presses or types, or other materials or articles for printing, without having obtained such licence, shall be liable, on conviction before the Magistrate or Joint Magistrate of the jurisdiction in which such offence may be committed, to a pecuniary fine not exceeding one thousand rupees; commutable, if not paid, to imprisonment without labour for a period not exceeding six months.

Unlicensed printing-presses to be attached by the Magistrates, and to be disposed of as the Government may direct.

Under what circumstances Magistrates may issue warrants for the search of houses.

III. The Magistrates and joint Magistrates are further authorized and directed to seize and attach all printing-presses and types, and other materials or articles for printing, which may be kept or used within their respective jurisdictions without the permission and licence of Government, and to retain the same (together with any printed books or papers found on the premises) under attachment, to be confiscated or otherwise disposed of, as the Governor General in Council (to whom an immediate report shall be made in all such cases) may direct; and if any Magistrate or joint Magistrate shall, on credible evidence, or circumstances of strong presumption, have reason to believe that such unlicensed printing-presses or types, or other materials or articles for printing, are kept or used in any house, building or other place, he is authorized to issue his warrant to the police officers to search for the same, in the mode prescribed in the rules for the entry and search of dwelling-houses, contained in Clauses fifth, sixth and seventh, Section XVI. Regulation XX. 1817.

Persons desirous of keeping or using printing-presses, how to apply for a licence.

Circumstances to be specified in the application.

And how to be verified.

IV. Whenever any person or persons shall be desirous of keeping or using any printing-press or types, or other materials or articles for printing, he or they shall state the same by a written application to the Magistrate, or joint Magistrate of the jurisdiction, in which it may be proposed to establish such printing-press. The application shall specify the real and true name and profession, cast or religion, age and place of abode of every person or persons who are (or are intended to be) the printers and publishers, and the proprietors of such printing-press or types, or other materials or articles for printing, and the place where such printing-press is to be established; and the facts so stated in the application shall be verified on oath, or on solemn obligation, by the person therein named as the printers, publishers or proprietors, or by such of them as the Magistrate, or joint Magistrate may think it expedient to select for that purpose.

Application to be forwarded to Government, who will grant or withhold the licence.

V. The Magistrate or joint Magistrate shall then forward a copy of such application (with a translation, if it be not in the English language) to the Governor General in Council, who, after calling for any further information which may be deemed necessary, will grant, or withhold the licence, at his discretion.

The conditions which may be annexed to such licence to be communicated,

VI. If the licence shall be granted, the Magistrate or joint Magistrate will deliver the same to the parties concerned, and will apprize them, both verbally and in

both verbally and in writing, to the parties concerned.

in writing, of the conditions which Government may, in each instance, think proper to attach to such licence.

Power of recalling such licences reserved to Government.

VII. The Governor General in Council reserves to himself the full power of recalling and resuming any such licence, whenever he may see fit to do so. Such recal will be communicated by the Magistrate or joint Magistrate, by a written notice to be delivered at the house, office or place named in the application, as that at which the printing-press was to be established, or at any other house, office or place to which such printing-press may, with the previous knowledge and written sanction of the Magistrate or joint Magistrate have been intermediately removed.

Notice of recal how to be served.

Penalties attaching to persons who may use such printing-presses after notice of recal.

VIII. Any person or persons, who, after such notice being duly served, shall use, or cause or allow to be used, such printing-presses or types, or other materials or articles for printing, shall be subject to the penalties prescribed in Section II. of this Regulation; and the printing-presses, types, and other materials or articles for printing, (together with all printed books and papers found on the premises,) shall be seized, attached, and disposed of in the manner prescribed in Section III. of this Regulation.

The first and last pages of books and papers printed at a licensed press to contain certain specifications.

IX. All books and papers, which may be printed at a press duly licensed by Government, shall contain on the first and last pages, in legible characters in the same language and character as that in which such book or paper is printed, the name of the printer, and of the city, town or place at which the book or paper may be printed; and of every book and paper printed at such licensed press one copy shall be immediately forwarded to the local Magistrate or joint Magistrate, who will pay for such books or papers the same prices as are paid by other purchasers; all such books and papers, if printed in the English or other European language, shall be forwarded by the Magistrate or joint Magistrate to the office of the Chief Secretary to Government; and if printed in any Asiatic language, to the office of the Secretary to Government in the Persian department.

A copy of every book and paper printed at a licensed press to be forwarded to the Magistrate, and by him to Government.

Notice how to be given, if the circulation of any newspaper or printed book shall be prohibited by Government.

X. If the Governor General in Council shall at any time deem it expedient to prohibit the circulation, within the territories immediately subordinate to the Presidency of Fort William, of any particular newspaper, or other printed book or paper of any description, (whether the same may be printed in the town of Calcutta or elsewhere,) immediate notice of such prohibition will be given in the Government Gazette, in the English, Persian, and Bengalee languages. The officers of Government, both civil and military, will also be officially apprised of such prohibition, and will be directed to give due publicity to the same, within the range of their official influence and authority.

The wilful circulation of such prohibited papers how punishable, if the offence be committed by persons subject to the authority of the Zillah and City Courts.

XI. Any persons subject to the authority of the Zillah and City Courts, who, after notice of such prohibition, shall knowingly and wilfully circulate or cause to be circulated, sell or cause to be sold, or deliver out and distribute, or in any manner cause to be distributed, at any place within the territories subordinate to the Presidency of Fort William, any newspaper, or any printed book or paper of any description, so prohibited, shall, on conviction before the Magistrate or joint Magistrate of the jurisdiction in which the offence may be committed, be subject, for the first offence, to a fine not exceeding one hundred rupees, commutable, if not paid, to imprisonment, without labour, for a period not exceeding two months; and for the second, and each and every subsequent offence, to a fine not exceeding two hundred rupees, commutable to imprisonment, without hard labour, for a period not exceeding four months.

The offence how punishable, if committed by a person not subject to those Courts.

XII. If the person, who may commit the offence described in the preceding Section, shall not be amenable to the authority of the local Magistrate or joint Magistrate, the Governor General in Council will adopt such measures for enforcing the prohibition notified in pursuance of Section X. as may appear just and necessary.

Judgments passed by Magistrates under this Regulation, to be reported to Government.

XIII. All judgments for fines, given by the Magistrate and joint Magistrate under this Regulation, shall be immediately reported, (with a copy and abstract translation of the proceedings held in each case,) for the information and orders of the Governor General in Council, who reserves to himself a discretion of remitting or reducing the fine in any instance in which he may judge it proper to do so.

A. D. 1823. REGULATION. IV.

A REGULATION for declaring the intent of Section XIV. Regulation VII. 1794, and for prohibiting the Judges of Circuit holding the Gaol Deliveries, from trying any case in which the prisoner or prisoners may have been committed for trial by themselves, in the capacity of Superintendent of Police, Magistrate, Joint Magistrate or Assistant Magistrate; for modifying the third and fourth Clauses of Section II. Regulation XIV. 1811, and for rescinding Sections IV. and V. Regulation XXIV. 1814, and Sections II. and IV. Regulation XXV. 1814:—Passed by the Governor General in Council on the 29th May 1823, corresponding with the 17th Jeyte 1230 Bengal Era; the 5th Jeyte 1230 Fussily; the 18th Jeyte 1230 Willaity; the 4th Jeyte 1880 Sumbut, and the 17th Ramzan 1238 Higeree.

Preamble.

WHEREAS from the wording of Section XIV. Regulation VII. 1794, (extended to Benares by Section XXI. Regulation XVI. 1795,) of Section VIII. Regulation IV. 1797, and of Section XXIV. Regulation VII. 1803, doubts have been entertained whether, in the event of the absence of the Mahomedan law officers of the Court of Circuit, from indisposition or other cause, it is competent to a Judge of Circuit holding a gaol delivery to employ any other than the law officer of the station at which he may be holding the gaol delivery: And whereas, with a view to secure an impartial trial before the Courts of Circuit in all cases, it is expedient that every such officer should be prohibited from trying any case in which the prisoner or prisoners may have been committed for trial by himself in the capacity of Superintendent of Police, Magistrate, Joint Magistrate or Assistant Magistrate: And whereas it is judged expedient to modify the provision contained in Clauses third and fourth, Section II. Regulation XIV. 1811, regarding certain prisoners confined in the Allipore Gaol, and to rescind Sections IV. and V. Regulation XXIV. 1814, and Sections II. and IV. Regulation XXV. 1814, the following Rules have been enacted, to be in force from the time of their promulgation in the territories immediately subordinate to the Presidency of Fort William.

Section XIV. Regulation VII. 1794; Section VIII. Regulation IV. 1797; and Section XXIV. Regulation VII. 1803, explained.

II. The intent of Section XIV. Regulation VII. 1794, (extended to Benares by Regulation XVI. 1795,) of Section VIII. Regulation IV. 1797, and of Section XXIV. Regulation VII. 1803, is hereby declared to have been agreeable to the rules enacted in the two following Sections.

Rule declaratory.

III. Every trial which may have been held before a Court of Circuit in which any one of the established law officers of the several Zillah or City Courts may have been employed, (in the absence of the law officer of the Court of Circuit,) to be present at such trial, and to give a futwa therein, is hereby declared to be as valid and legal as if the law officer of the Court of Circuit had been present at such trial, and given such futwa; any thing in the existing Regulations notwithstanding.

Rule prospective.

IV. Whenever the law officer of a Court of Circuit may be prevented, by indisposition or other cause, from attending that Court whilst sitting at any Zillah or City station, the Mahomedan law officer of the Zillah or City Court at which the gaol delivery is holding, or in the event of such law officer's inability to attend, the law officer of the neighbouring or other Zillah or City station, (being the nearest from which a law officer may be procurable,) shall be employed to be present at the trial, and to give his futwa therein, and every such futwa shall be as valid and of as full effect as the futwa of a law officer of the Court of Circuit.

The Judge of Circuit to record the law officer's name and station on the proceedings of each trial.

V. The Judge of Circuit presiding at the gaol delivery shall record upon the proceedings of each trial the name of the law officer who may be present; and where he may be other than the law officer of the Court of Circuit, shall specify the Zillah or City Court to which the law officer so employed may be attached, and where the law officer called in may be other than the law officer of the Zillah or City station at which the Session is holding, shall state the cause of the non-attendance of the law officer of such Zillah or City station, as well as the cause of the absence of the established law officer of his own Court.

No Judge of Circuit to try his own commitments.

VI. From the time of the promulgation of this Regulation, no Judge of Circuit, whether fully appointed or officiating, shall, on any account, preside at the trial of any

any case in which the prisoner or prisoners may have been committed for trial by himself, in his capacity of Superintendent of Police, Magistrate, Joint Magistrate or Assistant Magistrate. In all such cases, the trial shall be postponed until it can be brought before another Judge of Circuit, or person appointed to officiate as such; and a report of the case shall be made to the Court of Nizamut Adawlut, who will determine whether any special provision shall be made for the immediate trial of the case, or whether it shall be left over to the next session of gaol delivery.

The third and fourth Clauses of Section II, Regulation XIV. 1811, modified.

VII. In modification of the provisions contained in the third and fourth Clauses of Section II. Regulation XIV. 1811, the Superintendent of the gaol at Allipore is hereby vested with authority to employ, in the repair of the public roads, or in other public works beyond the area of the gaol, any of the convicts who are now, or may hereafter be sentenced to imprisonment for life in the gaol at Allipore, and who may be subject to hard labour. The Superintendent will be careful to exercise this authority with due regard to the character and circumstances of the convicts, and will adopt suitable precautions to guard against their escape.

Sections IV and V. Regulation XXIV. 1814, and Sections II. and IV. Regulation XXV. 1814, rescinded.

VIII. The provisions of Sections IV. and V. Regulation XXIV. 1814, and of Sections II. and IV. Regulation XXV. 1814, are hereby rescinded.

A. D. 1823. REGULATION V.

A REGULATION for giving currency throughout the Provinces, dependent on the Presidency of Fort William, to Rowannahs issued by the Officers in charge of the Dehlee Territory, for reducing the Transit Duty chargeable on Piece Goods, the manufacture of the British Territories, from 7½ to 2½ per Cent, and for making certain other alterations in the Rules applicable to the Collection of Customs.—Passed by the Governor General in Council on the 19th June 1823, corresponding with the 6th Assaur 1230 Bengal era; the 26th Jeyte 1230 Fussily; the 7th Assaur 1230 Willaity; the 11th Jeyte 1880 Sumbut, and the 8th Sowaul 1238 Higeree.

Preamble.

WHEREAS it has been determined to assimilate the rules, under which the collection of Customs within the Dehly territory is to be conducted, to the provisions contained in Regulation IX. 1810, and other subsequent Regulations; and particularly to extend to the commerce of the said territory the benefit of the rule, whereby merchandize, having once been subjected to the prescribed duty, may be freely transported from place to place throughout the provinces to which the said Regulation is applicable: And whereas, it has also appeared to be expedient and proper to reduce the transit duty with which Piece Goods, the manufacture of the Company's territories, are chargeable, under the provisions of the Regulation above mentioned: the following Rules have been enacted, to be in force throughout the territories immediately dependent on the Presidency of Fort William.

Section XVII. Regulation IX. 1810, rescinded.

II. *First.*—Section XVII. Regulation IX. 1810, is hereby rescinded.

Certain rules of that Regulation declared applicable to Goods on which certain Transit Duties may have been paid in the Dehly territories, and to the Rowannahs for those Goods.

Second.—The rules contained in Clause third, Section XII. and Clause first, Section XXIII. of the aforesaid Regulation, shall be applicable to goods, on which the transit duties, prescribed by that and subsequent Regulations, shall have been paid within the Dehlie territories; and to the rowannahs issued by the revenue officers in charge of the several divisions of that territory, on the payment of the said duties.

Certain rules of Regulation IX. 1810, and other Regulations, modified.

III. *First.*—The provisions contained in Regulation IX. 1810, and subsequent Regulations, relative to the duty to be charged on piece goods, are hereby declared subject to the following modifications.

Transit duty leviable on certain Piece Goods reduced from 7½ per cent to 2½.

Second.—On piece goods (cotton, silk and mixed), the manufacture of the Company's territories, a transit duty shall be levied, at the rate of 2½ per cent, instead of the duty of 7½ per cent, prescribed by the aforesaid Regulation.

The same duty leviable on certain Piece Goods imported by Sea.

Third.—Piece goods, the manufacture of the Company's territories, shall, on importation by sea, be similarly charged with a duty of 2½ per cent.

Fourth.

Fourth.—Piece goods, which shall have paid the transit duty of 2½ per cent, shall, on exportation by sea from Calcutta, or any other port or place belonging to this Presidency, be further charged with the duties specified in the Schedule annexed to this Regulation, with the exceptions therein provided. Duty on Piece Goods exported by Sea.

Fifth.—Piece goods, for which rowannahs, or proof of import by sea, may not be produced by the exporters, shall, on exportation by sea, be charged with a duty of 2½ per cent in addition to the duty to which, if covered by a rowannah, they would be subject under the foregoing Clause. Further duty on Exportation, in failur to produce Rowannahs.

Sixth.—No drawback shall be paid on piece goods which shall have been charged with a transit or import duty of 2½ per cent. Drawback not to be paid, in what cases.

Seventh.—Persons applying for rowannahs are already required to specify in their applications the value of the goods to be passed: It is hereby further enacted, that if in any case a Collector of Customs shall have reason to believe that any piece goods, for which a rowannah may have been issued, are considerably undervalued, it shall be competent to him to take the goods, on paying to the owner, or person in charge of the same, a sum equal to the value specified in the application, with an addition of 10 per cent on the amount, and interest, at the rate of 8 per cent per annum, from the date of the rowannah. Authority vested in Collectors of Customs in cases of undervaluation of Piece Goods.

SCHEDULE of Duties payable on Exportation by Sea of Cotton and Silk Piece Goods, and Goods made partly of Silk, imported from the Interior of the Country. Schedule.

	On British Bottoms.	On Foreign Bottoms.
Cotton Piece Goods, the Manufacture of the British Territories -	Free.	2½
Ditto, the Manufacture of Oude or other Foreign States:		
If exported to Europe - - - - - - - - -	Free.	7½
If exported to other quarters - - - - - - -	2½	7½
Silk and Mixed Piece Goods:		
If exported to Europe - - - - - - - - -	Free.	7½
If exported to other quarters - - - - - - -	2½	7½

A. D. 1823. REGULATION VI.

A REGULATION for authorizing the institution of Summary Suits to enforce the execution of certain Written Engagements for the cultivation and delivery of Indigo Plant, and for declaring certain Principles in regard to the same:—Passed by the Governor General in Council on the 10th of July 1823, corresponding with the 27th Assar 1230 Bengal era; the 17th Assar 1230 Fussily; the 28th Assar 1230 Willaity; the 2d Assar 1880 Sumbut; and the 29th Sowaul 1238 Higeree.

THE poverty of the lower orders in India, and particularly of those employed in agriculture, occasions the general use of borrowed capital for the production of the chief articles of trade and consumption. The capitalist advances his money, and sometimes the seed likewise, upon a contract to receive the produce of a defined quantity of land, either at a certain fixed price, or at rates to be subsequently determined with reference to the market price at a specified season; and this system is understood, generally, to prevail in the province of Bengal, in the cultivation of the plant from which the indigo dye is extracted. According to the existing Regulations, if the contracting ryott should fail to cultivate the land in the manner specified, or having so cultivated the land, should sell the produce to another, Preamble.

another, or otherwise defraud his creditor, and fail to execute his contract by delivery of the stipulated article, the person with whom he has so contracted has no other remedy than a regular action for the recovery of the penalty conditioned in the agreement. It is usual for the courts of justice, in decreeing such causes, to award such limited penalty as may, in each instance, appear to be a fair compensation to the person making the advances, for the non-employment of his capital. In the absence, however, of any rule for the regulation of the discretion thus assumed, much confusion has arisen from the conflicting opinions and judgments of the several judicial officers, as to the extent of penalty recoverable on agreements of this nature. Under the rules for imposing a stamp duty, it is provided, that all deeds and agreements shall be written on paper bearing a certain stamp, proportioned "to the value of the property transferred, or otherwise affected." But in agreements of the kind above described, it is not clear whether the amount of the stamp ought to be fixed with reference to the sum actually advanced, or to the penalty or penalties which may be specified as eventually exigible on the failure of the contractor; and it is of great importance to the parties, that this point should be determined so as to prevent the risk of *bonâ fide* deeds being rendered void, in consequence of any inaccuracy in the description of stamp paper employed in drawing up the agreement. It seems reasonable also, that the person who advances seed and capital, or capital only, for the expenses of cultivation on a defined parcel of land, should be considered to possess a lien and interest in the indigo plant produced on that land, when so stipulated in a written engagement between the parties, and especially in cases in which such written engagement may have been duly registered, under the provisions of Regulation XX. 1812, and that it should not be in the power of a ryott, who has already conditioned for the delivery of the produce of his land to one person, to break the condition, by a clandestine and fraudulent transfer of such produce to another. The system at present in force provides, as above observed, no other remedy for parties injured by this dishonest practice, than by a regular action in the Civil Court. The difficulty and delay of obtaining redress by that course, have not unfrequently led to acts of violence, and even to serious affrays, and the more frequent occurrence of such affrays is to be apprehended in consequence of the eager competition which now prevails amongst the indigo manufacturers in some parts of Bengal, arising from the unusually high price of indigo. The Governor General in Council has in consequence judged it expedient to declare the principles on which the points above stated shall be settled, and to provide for the more prompt adjustment of disputes, and enforcement of contracts of the nature above specified; and the following Rules have accordingly been passed, to take effect in the several districts comprised within the province of Bengal, from the date of their promulgation.

Under what circumstances persons making advances for the cultivation of the Indigo Plant, on defined portions of land, shall be held to have a lien or interest in the produce of such land.

II. If any person shall have given advances to a ryott, or other cultivator of the soil, under a written engagement, stipulating for the cultivation of indigo plant on a portion of land of certain defined limits, and for the delivery of the produce to himself, or at a specified factory or place, such person shall be considered to have a lien or interest in the indigo plant produced on such land, and shall be entitled to avail himself of the process hereinafter provided for the protection of his interests, and for the due execution of the conditions of the contract.

Such person how to proceed, when he has just reason to believe that the ryott will dispose of the produce otherwise than stipulated.

III. *First.*—If any person who may have made advances on conditions of the nature above described, shall have just reason to believe that an individual under engagement with him is evading or is about to evade the execution of his contract, by making away with and disposing of the produce otherwise than as stipulated, or that he has engaged secretly or openly to supply the same to another, it shall be competent to such person to present a petition of complaint to the Zillah or City Judge, or to a Register exercising the powers of Joint Magistrate within whose local jurisdiction the land stipulated to be cultivated with the indigo plant may be situated, filing with the same the original deed of engagement by which the produce may be assigned and engaged to be delivered to himself or at his factory, and certifying in his petition that such deed was voluntarily and *bonâ fide* executed by the individual complained against.

Summons to be issued for the attendance of the defendant.

Second.—On such petition and original deed of engagement being filed, a summons, or tulub chithee, shall be immediately issued through the Nazir in the usual form, requiring the individual named in the petition to attend and answer to the complaint, either in person or by an authorized agent, within such specified period as

as may in each instance appear reasonable, and which period shall in no case exceed twenty days.

Summons how to be served,

Third.—The officer entrusted with the execution of the process shall also be instructed to affix a copy of the summons in the village cutcherry, or other place of public resort, and to erect a bamboo on the specific parcel of ground on account of which the claim may have been preferred, and which it shall be the duty of the plaintiff or his agent to point out. By these means sufficient public notice of the claim will be given, to enable persons desirous of contesting the plaintiff's right, or of establishing a prior right to the produce of the land, to appear either in person or by an authorized agent before the Court for that purpose, and the failure so to attend before the summary decision be passed, will be held to bar the claim of any third party founded on any contract for the produce of the land in question, unless it be established by a regular suit.

and public notice of the claim, how to be given.

On non-appearance of defendant or other claimants, evidence to be taken, and the case decided ex parte.

Fourth.—If the officer serving the process shall not be able to execute it on the person of the defendant, he shall nevertheless publish the claim in the manner above directed, and if the defendant shall not appear to answer to the complaint within the period specified in the summons, and no other claim be preferred in bar of that of the plaintiff, the Judge or other officer shall, after taking evidence to establish the deed and other allegations of the plaintiff, proceed to the adjudication of the claim, in the same manner as if the defendant had personally appeared.

In what cases an award shall be passed, adjudging the plaintiff's right to the produce.

Fifth.—If the defendant or his authorized agent should attend within the period specified, and should deny the execution of the deed of engagement filed by the complainant, proof of the same shall be taken; and if its voluntary execution be established to the satisfaction of the Court, or other tribunal trying the case, and no preferable claim be established by a third party, a summary award shall be made, adjudging to the plaintiff the right of receiving the crop according to the terms of the agreement. The same principle shall be applied if the engagement be admitted, and no satisfactory reason be shown why the defendant should not be held to the performance of his contract.

If the plaintiff's claim be not established, the plaintiff to pay costs and compensation to the defendant.

Sixth.—If it be proved that the engagement was not duly and voluntarily executed by the defendant, or if it should appear that the proceeding is otherwise litigious and oppressive, and the claim unfounded, or that the plaintiff had no sufficient cause to warrant his application to the Court, the complaint shall be dismissed, and the plaintiff shall be made liable to the payment of costs, and such reasonable sum in addition, as may seem to the Judge or other officer trying the case, a proper compensation to the defendant for any trouble and annoyance to which he may have been subjected.

Notice to be given to third parties, in what cases, & their claims how to be investigated.

Seventh.—If it should appear in the course of the inquiry, that the defendant is under engagement for the same land to a third party, notice shall immediately be issued for that party to appear and plead, either in person or by vakeel, and if such person or any third party shall, previously to the decision of the case, come forward and produce a similar deed of engagement, stipulating for the produce of the same portion of land, the Judge or other officer trying the case shall, after such summary investigation as may be necessary, determine whether either of the parties have any just claim to the produce of the land, and if so, which of them may have the prior and better claim; a preference will of course be given to engagements duly registered under the provisions of Regulation XX. 1812. The result of such investigation shall be recorded, and a decree passed, adjudging the question of right between the parties.

Defendant not to be subjected to unnecessary detention.

Eighth.—No defendant, who may attend under the process described in this Section, shall be confined in gaol, or be in any manner detained longer than may suffice to take his answer to the claim, and to obtain from him such further explanations as the nature of the answer may suggest.

In what cases an order may be issued to deliver the plant to a party, before the summary inquiry may be completed.

Ninth.—If, pending the summary inquiry in the manner above directed, it shall appear, that the plant on the ground is in a state fit to be cut, and will be injured or destroyed if not cut, it shall in such case be competent to the Judge, or other officer trying the case, to pass an order for the delivery of the plant to either of the parties, provided that the said party consents and engages to pay to the other claimant (if the summary award should be ultimately in favour of the latter) a specific pecuniary compensation; the amount of such compensation shall be fixed by the Judge, or other person trying the case, in communication with the parties, and shall be regulated with reference to the estimated produce of the ground, and to the probable value of such produce when manufactured, and the amount, when so fixed, shall be carefully recorded on the proceedings.

Engagement to be entered into by such party.

Authority to watch fields and to prevent removal of the plant, given to parties in certain circumstances.

IV. *First.*—Any person in whose favour a summary award shall have been passed for the produce of any defined spot of land, shall be entitled to place a watch over the same, and to prevent the cutting and removal of the plant in any manner contrary to the stipulations of his agreement, and in the event of any attempt being made to cut or remove the plant, it shall be competent to the person holding the decree to apply to the nearest Police Darogah, and to claim from him the assistance of the police in preventing such removal; it shall moreover be the duty of the police officers, and of all other officers, on such a decree being exhibited, to aid the person in whose favour it may have been passed to the utmost of their power.

Security for rent due to landholders, how provided.

Second.—In order that the foregoing rule may not operate to the prejudice of the landholders, who, by the existing Regulations, are authorized to attach the crops for the realization of rents justly due to them, it is hereby provided, that whenever any manufacturer who may have obtained an award under the foregoing rules, may cause the plant to be cut and taken away, he shall be held responsible, conjointly with the ryott, for any arrear of rent which may have been due on account of the specific parcel of ground from which the indigo plant may have been taken.

Parties injured by breach of contract in regard to the cultivation and delivery of Indigo plant, may institute either a summary or regular suit.

V. *First.*—In cases in which a ryott who may have received advances and entered into written agreements for the cultivation and delivery of indigo plant, in the manner indicated in this Regulation, shall have failed to cultivate the ground specified, or having cultivated it, shall have failed or refused to complete his engagement, or shall have sold, made away with, or transferred the produce to another person, the party with whom such agreement was first made shall be at liberty to institute, at his option, either a summary or a regular suit.

Judgment, to what extent in summary suits.

Second.—If the summary process be adopted, and the cause be decided in favour of the plaintiff, the defendant shall be subjected to the payment of the amount of the advances actually received by him, with interest on the same, and the costs of the summary process.

Ditto in regular suits.

Third.—If the plantiff should prefer to seek his remedy by a regular suit, the case will be tried and decided, under the principles of the general Regulations; provided however, that where a ryott shall have voluntarily executed a deed of engagement, stipulating to cultivate indigo plant on a specified portion of land, and to deliver the produce of such land to one individual, and shall have subsequently sold and delivered such produce to another, the aggrieved party shall be at liberty to prosecute the ryott, and the individual to whom such produce was sold or delivered conjointly; and if it be established, that the individual receiving the produce was at the time aware of the prior engagement, such individual and the ryott shall be jointly and severally held answerable for the full amount of the penalty specified in the original agreement, together with all costs and expenses of the suit.

Amount of penalty to be awarded in regular suits, where the breach of contract may not be ascribable to fraud or dishonesty.

Fourth.—If no fraud or dishonest dealing be established, and the failure of a ryott or other contractor to execute the stipulations of his engagement by the delivery of indigo plant in the manner stipulated, be owing to accident, or to any cause not implying fraud or dishonesty, the penalty to be adjudged against a contractor shall not exceed three times the sum advanced as the consideration for executing the deed, including interest.

Summary investigations, how and by whom to be conducted.

VI. Summary investigations, under this Regulation, shall be conducted according to the form and in the manner prescribed for the conduct of summary suits for arrears of rent: they shall either be tried by the Judge, or be referred to the Collector of the district, or to the Register. In cases referred to the Collector, that officer (as well as the Register,) shall pass a decision on them, instead of sending them back to the Judge with a report, and there shall be no appeal from any summary decision passed by those officers respectively, if regularly made, and in a matter duly cognizable under this Regulation: it shall nevertheless be competent to any person, whose claim under a deed of engagement for the cultivation and delivery of indigo plant may have been set aside by a summary award, or who may be otherwise dissatisfied with the decision passed on a summary investigation under the foregoing provisions, to institute a regular suit for the recovery of the penalty stipulated in the deed of engagement, or for the establishment of any other claim or interest to which he may deem himself entitled.

Explanation of the value of stamp paper employed in engagements for the cultivation and delivery of Indigo plant.

VII. No objection shall be taken against any deed of contract for the cultivation and delivery of indigo plant on account of it's not bearing the proper stamp, provided that the same be executed on paper bearing a stamp of such an amount as would be required under the rules of Section XI. Regulation I. 1814, for a bond

of

of the amount actually advanced or acknowledged to be advanced as the consideration for entering into the agreement.

VIII. No objection shall be taken to the validity of any deed of engagement for the cultivation and delivery of indigo plant, on the ground of it's having been entered into by more than one individual, or of it's including more than one transaction; provided that the obligation of each individual be distinctly specified, and the amount of the stamp be such as would have been required for a bond of an amount equal to that of the aggregate of all the sums acknowledged to have been advanced.

Such deeds not invalid in consequence of their including several individuals, and several separate transactions.

A. D. 1823. REGULATION VII.

A REGULATION for prohibiting Loans by Covenanted Civil Servants from persons subject to their official authority and influence:—Passed by the Governor General in Council on the 30th October 1823, corresponding with the 15th Cautick 1230 Bengal era; the 11th Cautick 1231 Fusly; the 16th Cautick 1231 Willaity; the 11th Cautick 1880 Sumbut; and the 24th Suffer 1239 Higeree.

WHEREAS by the existing Regulations all Covenanted Civil Servants of the Company, employed in the Judicial and Revenue Departments of the Service, are prohibited from lending money, directly or indirectly, to any proprietor. or farmer of land, dependant talookdar, under-farmer or ryott, or their sureties: And whereas it is equally necessary to prohibit the public officers from borrowing money from persons subject to their official authority and influence, the following Rules have been enacted by the Governor General in Council, and are to be in force from the date of their promulgation throughout the provinces immediately subject to this Presidency.

Preamble.

II. *First.*—All covenanted civil servants, in whatever department of the public service they may be employed, are henceforward prohibited, under pain of dismissal from office, from borrowing money from, or in any way incurring debt to, any native officer under their authority, or under the authority of any of their subordinate functionaries, or from or to the known surety, agent, relation, connection, or dependant of any such native officer, or from or to any person of whom such native officer may be known to be or to have been the servant, agent, surety, or dependant.

Civil Servants in every Department prohibited from borrowing money from the native officers under their authority, and the connections of such officers.

Second.—In like manner and under the like penalty, all officers of Government, being covenanted civil servants, are henceforward prohibited from borrowing money from, or in any way incurring debt to any manager, guardian, executor, ameen, sezawul, gomashtah, farmer, motuwullee, or other person, who may in any way be officially accountable to them, or from and to the known surety, agent, relation, connection, or dependant of such person.

And from other persons officially accountable to them.

Third.—Section IV. Regulation XXI. 1814, is hereby rescinded; and the provisions of Sections II. and III. of that Regulation shall henceforward be held applicable to commercial residents and commercial agents, as well as to all other officers of Government being covenanted civil servants.

Provisions of Regulation XXI, 1814, extended to Civil Officers in the Commercial Department, as well as to all other Civil Servants.

Officers being Covenanted

III. All Judges of Zillah and City Courts, all Magistrates, Joint Magistrates, Registers and Assistants to Magistrates, all Collectors, and Deputy Collectors of the Land Revenue, all Assistants to such Collectors or other Officers, exercising the powers of such Collector, are prohibited, under pain of dismissal from office, from borrowing money from, or in any way incurring debt to any zemindar, talookdar, ryott, or other person possessing real property, or residing in, or having a commercial establishment within the city, district or division, to which their authority may extend.

Certain Officers prohibited from incurring debt to zemeendars and others residing in, or having property within their districts.

IV. All persons are prohibited from lending money, or otherwise becoming in any way creditor to any officer of Government, being a covenanted civil servant, in contravention of the above Rules: and any person lending money, or in any way becoming creditor to any such public officer in breach of this prohibition, shall forfeit to Government a sum equal to the amount for which he shall have so illegally become creditor.

Prohibition against lending money to Civil Servants, contrary to the above Rules.

Penalty for a breach of this prohibition.

Officers in debt contrary to the above Rules, to report the fact at the expiration of one year.

Penalty for omitting so to report.

V. If any officer of Government now in debt shall at the expiration of one year from the promulgatiou of this Regulation, be still indebted to any person from whom it would at such period be illegal for him to borrow under the above Rules, it shall be incumbent on such officer to make known the circumstance to the Governor General in Council; and in the event of intimation not being so given, the same penalty shall attach to the said officer, as if the debt had been incurred subsequently to the promulgation of this Regulation.

Officers receiving new Appointments, if indebted to individuals, contrary to the above Rules, to report.

Penalty for omitting to report.

VI. In like manner, if any covenanted servant, who may be hereafter appointed to any office, shall at the time of such appointment be indebted to any person with whom it would be illegal for him to contract a loan, while holding such office, it shall be incumbent on such servant, before entering on the duties of the office, to make known the circumstance to the Governor General in Council: and failing to do so, he shall be subject to the same penalty as if the debt had been contracted subsequently to his being appointed to the said office.

Penalty on natives knowingly taking office in contravention of the above Rules.

VII. Any native causing himself to be appointed to any office, in opposition to the provisions of Regulation XXI. 1814, as hereinbefore extended, or in any way knowingly accepting office in contravention thereof, shall forfeit to Government a sum equal to ten times the yearly salary or allowances attached to the situation to which he may be appointed.

Penalties to be enforced by prosecution at the suit of Government.

VIII. Suits for the recovery of penalties incurred under this Regulation, shall and may be instituted under the special instructions of the Governor General in Council, and shall be conducted by the Superintendant and Remebrancer of Legal Affairs, or by such other officer as Government may nominate for that purpose; such suits shall be instituted in the Provincial Court of the division within which the transaction may have taken place, or the lender may reside, or may possess real or personal property. An appeal shall lie from judgments passed in such cases, in like manner as from other judgments passed in original suits, by the Provincial Courts, and the judgments shall be enforced under the provisions of the Regulations for the execution of other decrees of the Civil Courts.

II.

REGULATIONS

Passed by the Governor General in Council of *Bengal*, in the Year 1824. N° I. to XVI.

A. D. 1824. REGULATION I.

A REGULATION for enabling the Officers of Government to obtain, at a fair valuation, Land or other Immoveable Property, required for Roads, Canals, or other public purposes, and for declaring in what manner the Claims of the Zemindars, and of the Officers in the Salt Department, are to be adjusted in certain districts, where Lands are required for the purposes of Salt Manufacture:—Passed by the Governor General in Council on the 8th January 1824; corresponding with the 25th Poose 1230 Bengal era; the 22d Poose 1231 Fusly; the 26th Poose 1231 Willaity; the 7th Poose 1880 Sumbut; and the 5th Jumadee-ul-awul 1239 Higeree.

Preamble.

WHEREAS the rights and interests of individuals in their respective landed estates and other property have been secured to them by the existing Laws and Regulations, and by the Courts of Justice established for their administration: And whereas it being necessary occasionally to require the surrender of the property of individuals for purposes of general convenience to the community, it appears expedient distinctly to define the course of proceeding to be followed in such cases, in order that works and arrangements of public utility may not be unduly

unduly impeded, and that at the same time a just and full compensation may be secured to all persons holding an interest in property so appropriated: And whereas the peculiar circumstances of the lands required for the purposes of the Salt Manufacture in the districts comprised in the Salt Agencies of the 24 Pergunnahs, Jessore, and Bullooah and Chittagong, and the arrangements concluded with the zemindars at the time when the exclusive manufacture was first established, render it necessary specially to declare the principles on which the claims of the officers in the Salt Department, and of the zemindars in the said districts, are to be adjusted, on the occupation of land for the purposes of the Salt Department, the following Rules have been enacted to be in force as soon as promulgated throughout the whole of the provinces immediately subject to the Presidency of Fort William.

When ground wanted, officers of Government to call on proprietor to state terms, and any objection to transfer.

II. Whenever it may appear necessary or expedient to appropriate the whole or part of any individual's landed estate, or other immoveable property, or any thing thereunto belonging for the construction of a public road, building, canal, drain, gaol, or for any other public purpose, then, if there be any hindrance to the purchase of the said property by private bargain, the officer entrusted with the execution of such public work, or any other officer whom the Governor General in Council may direct, shall proceed to the spot and erect a flag thereon, causing, in cases in which it may be proposed to take land, the boundaries of the land so required to be distinctly marked out; but taking care, at the same time, to do as little injury as possible to the property: he shall then stick up, in some convenient and conspicuous place in the vicinity, a notice of the land or other property proposed to be taken, and the purpose for which it is required, and shall make proclamation by beat of drum, as well on the spot as in the nearest bazar, gunge, or village, calling upon any person or persons claiming a right or interest in the land or other property, to appear in person, or by an authorized agent, at a place to be specified in the notice and proclamation, on or before a given date, not being less than fifteen days, in order to make known the precise nature of the interest claimed, and the terms on which he or they may be willing to dispose of their respective rights and interests; or if they object to the disposal thereof, to specify the same, through the proper authorities, for the information of Government, when the substance of all material information given in after such a notification shall be submitted by those authorities to the Governor General in Council, together with a report of their sentiments on the case, and of the estimated value of the premises intended to be applied to a public pnrpose, and of the several interests attaching thereunto.

If parties refuse to dispose of property, Government may direct recourse to be had to arbitration.

III. *First.*—If the person or persons having, or claiming to have, a right and interest in the land or other property required for a public purpose, or in any part of it, shall object to the disposal of the same, or shall demand an exorbitant consideration for the relinquishment of his or their interest, and the Governor General in Council, after duly considering the objections urged and the demands made, shall notwithstanding deem it proper, on grounds of clear and urgent public expediency, that the property should be so appropriated, he will in either of the cases above mentioned order the election of arbitrators to ascertain and determine the just and full value of the whole of the property intended to be applied to public use, including the rights of all persons holding a lawful interest therein according to the rules hereinafter contained.

In certain cases, Government may delegate the power of directing a recourse to arbitration.

Second.—Provided also, that when any extensive public work shall have been commenced on under the orders of Government, it shall be competent to the Governor General in Council, by an order in Council, to delegate to any Board, Committee, or the like, the duty and power of determining on all objections to the disposal of individual properties which it may be considered necessary to appropriate for the purpose; and the Board or Committee so empowered shall be competent to issue the requisite orders for the appointment of arbitrators, for the purposes and in the manner hereinafter provided, without previous reference to Government.

Arbitrators, how to be appointed, and how to conduct their inquiries.

IV. *First.*—Whenever it may be requisite to have recourse to arbitration, for the purpose stated in the preceding Section, the following Rules shall be observed in the appointment of the arbitrators, and in the conduct of their inquiries.

Two Arbitrators on the part of Government to be selected by what Officer.

Second.—Two persons of respectability shall be chosen to act as arbitrators on the part of Government, by the Judge or Magistrate, or Collector of the district in

in which the land or other property required for public use may be situated, or such other officer as the Governor General in Council may commission for the purpose of superintending the arbitration, and the party or parties claiming an interest in the premises proposed to be taken, shall be called upon by the Judge, Magistrate, Collector, or other officer aforesaid, to elect, within a reasonable time, to be fixed by such officer, two persons to act as arbitrators on his, or their part. If there be several claimants, and they cannot agree, within the required period, in the election of persons to act as arbitrators on their behalf, then and in that case each of them shall nominate one person, whom he may desire to act on his behalf, and the Judge, Magistrate, Collector, or other officer aforesaid, shall choose by lot out of the persons so nominated by the parties or any of them, two persons to act as arbitrators on behalf of the claimants. If only two persons shall be so nominated, they shall be the arbitrators on behalf of the claimants, whether the whole of the claimants may, or may not have been concerned in their nomination. If only one person shall be so nominated, then only one of the persons selected to act as arbitrators on the part of Government, shall be employed on the duty: if the claimants shall refuse or neglect to make any nomination within the required period, then the Judge, Magistrate, Collector, or other officer, shall and may select two impartial persons, residents of the purgunnah or other local division, to arbitrate the matter between Government and the parties.

Parties to be required to elect two Arbitrators, to act on their behalf.

Arbitrators how to be selected out of the Nominees of the parties, if more than two.

Course to be followed, if only two persons be nominated.

If only one person be nominated.

Declaration to be made by Arbitrators.

Third.—The arbitrators chosen as above shall be required by the Judge, Magistrate, Collector, or other officer aforesaid, solemnly to promise that they will faithfully and impartially discharge the trust reposed in them, to which effect they shall sign a solemn declaration. But no corporal oath shall be administered to them.

Umpire how to be chosen.

Fourth.—As soon as the said obligation shall be signed, and before they proceed to any other duty, the arbitrators shall be required by the Judge, Magistrate, Collector, or other officer aforesaid, to appoint an umpire for the decision of any points whereon they may differ in opinion, and the voices on each side may be equal. If the arbitrators cannot agree in the selection of an umpire, the Judge, Magistrate, or other officer commissioned as aforesaid, shall be authorized to choose some respectable and impartial person to act as such.

Functions of the Umpire.

Fifth.—In cases wherein the arbitrators may differ in opinion, if the voices on each side shall be equal, the decision of the umpire on the point of difference shall be conclusive. In all other cases, the opinion of the majority of arbitrators shall determine the award.

Residing Officer to exercise what powers to secure attendance of the Arbitrators, and completion of the award.

Sixth.—The Judge, Magistrate, Collector, or other officer commissioned as aforesaid, shall be competent to exercise towards the arbitrators and umpire, chosen as above, such powers and authority, for the purpose of securing their attendance and the due completion of their award, as the Courts of Judicature may or shall legally exercise towards persons summoned as witnesses before them for the purpose of compelling them to attend and give evidence. It shall further be competent to the Judge, Collector, or other officer commissioned as aforesaid, in the event of any unnecessary delay on the part of arbitrators in determining any point referred to them, to call upon them to make their award within a specified time, and in default thereof, to refer the matter to the umpire for his decision.

In what cases may refer the matter to Umpire.

Arbitrators to act under the Judge, Collector, or Magistrate of the district.

Seventh.—The arbitrators shall hold their inquiry under the general superintendance of the Judge, Magistrate, Collector, or other officer commissioned as aforesaid.

Who shall cause Witnesses to attend the Arbitrators.

Eighth.—The Judge, Magistrate, Collector, or other officer so commissioned, shall afford to the arbitrators all necessary aid and support, for enabling them to accomplish the object of their appointment. He shall, on the application of the arbitrators, summon, and is hereby authorized to summon, any witnesses whom the arbitrators may call for, and whom the parties may not be able to produce before them without such process. He shall also cause the proper forms of oath to be administered to, or a solemn declaration in lieu thereof to be executed by, any witnesses whom the arbitrators may desire to examine upon oath, or solemn declaration; or he may empower the arbitrators to administer such oath, or to cause the execution of such solemn declaration in lieu thereof, if the witness cannot with convenience attend at the sudder station of the zillah. Any person giving intentionally and deliberately a false deposition on oath, or under a solemn declaration taken

unduly impeded, and that at the same time a just and full compensation may be secured to all persons holding an interest in property so appropriated: And whereas the peculiar circumstances of the lands required for the purposes of the Salt Manufacture in the districts comprised in the Salt Agencies of the 24 Pergunnahs, Jessore, and Bullooah and Chittagong, and the arrangements concluded with the zemindars at the time when the exclusive manufacture was first established, render it necessary specially to declare the principles on which the claims of the officers in the Salt Department, and of the zemindars in the said districts, are to be adjusted, on the occupation of land for the purposes of the Salt Department, the following Rules have been enacted to be in force as soon as promulgated throughout the whole of the provinces immediately subject to the Presidency of Fort William.

When ground wanted, officers of Government to call on proprietor to state terms, and any objection to transfer.

II. Whenever it may appear necessary or expedient to appropriate the whole or part of any individual's landed estate, or other immoveable property, or any thing thereunto belonging for the construction of a public road, building, canal, drain, gaol, or for any other public purpose, then, if there be any hindrance to the purchase of the said property by private bargain, the officer entrusted with the execution of such public work, or any other officer whom the Governor General in Council may direct, shall proceed to the spot and erect a flag thereon, causing, in cases in which it may be proposed to take land, the boundaries of the land so required to be distinctly marked out; but taking care, at the same time, to do as little injury as possible to the property: he shall then stick up, in some convenient and conspicuous place in the vicinity, a notice of the land or other property proposed to be taken, and the purpose for which it is required, and shall make proclamation by beat of drum, as well on the spot as in the nearest bazar, gunge, or village, calling upon any person or persons claiming a right or interest in the land or other property, to appear in person, or by an authorized agent, at a place to be specified in the notice and proclamation, on or before a given date, not being less than fifteen days, in order to make known the precise nature of the interest claimed, and the terms on which he or they may be willing to dispose of their respective rights and interests; or if they object to the disposal thereof, to specify the same, through the proper authorities, for the information of Government, when the substance of all material information given in after such a notification shall be submitted by those authorities to the Governor General in Council, together with a report of their sentiments on the case, and of the estimated value of the premises intended to be applied to a public pnrpose, and of the several interests attaching thereunto.

If parties refuse to dispose of property, Government may direct recourse to be had to arbitration.

III. *First.*—If the person or persons having, or claiming to have, a right and interest in the land or other property required for a public purpose, or in any part of it, shall object to the disposal of the same, or shall demand an exorbitant consideration for the relinquishment of his or their interest, and the Governor General in Council, after duly considering the objections urged and the demands made, shall notwithstanding deem it proper, on grounds of clear and urgent public expediency, that the property should be so appropriated, he will in either of the cases above mentioned order the election of arbitrators to ascertain and determine the just and full value of the whole of the property intended to be applied to public use, including the rights of all persons holding a lawful interest therein according to the rules hereinafter contained.

In certain cases, Government may delegate the power of directing a recourse to arbitration.

Second.—Provided also, that when any extensive public work shall have been commenced on under the orders of Government, it shall be competent to the Governor General in Council, by an order in Council, to delegate to any Board, Committee, or the like, the duty and power of determining on all objections to the disposal of individual properties which it may be considered necessary to appropriate for the purpose; and the Board or Committee so empowered shall be competent to issue the requisite orders for the appointment of arbitrators, for the purposes and in the manner hereinafter provided, without previous reference to Government.

Arbitrators, how to be appointed, and how to conduct their inquiries.

IV. *First.*—Whenever it may be requisite to have recourse to arbitration, for the purpose stated in the preceding Section, the following Rules shall be observed in the appointment of the arbitrators, and in the conduct of their inquiries.

Two Arbitrators on the part of Government to be selected by what Officer.

Second.—Two persons of respectability shall be chosen to act as arbitrators on the part of Government, by the Judge or Magistrate, or Collector of the district in

tion is to be made from the gross rental of the Sudder Malgoozar, on account of the government revenue with which his estate may be assessed. And it shall be the duty of arbitrators in fixing the value of the net rent derived by the Sudder Malgoozar from the land taken for public purposes, conjointly with the value of other interests possessed therein, so to regulate the two, that the whole shall constitute what would have been a fair value for the property, supposing it to have been lakhiraj, and held free of all burthen or encumbrance; and the arbitrators shall in every case of this description certify at the foot of their report, that the above direction has been observed.

Rights of parties, claiming an interest in land taken by Government, how to be adjusted.

Fourth.—Whenever any revenue deduction may be ordered, it will of course be passed in the revenue accounts to the credit of the muhal on account of which it may be awarded by the arbitrators, in whosesoever possession the same may be. Should the proprietor of any other muhal claim to participate therein, it shall be open to him to prosecute his claim by suit in Court against the proprietor of the muhal on account of which it may be paid; provided, however, that in case any litigation between the proprietors of different muhals claiming to participate in the deduction awarded by arbitrators be submitted to their award, in the manner above provided for the case of lakhiraj lands, the same when made shall be binding, and have effect to all intents and purposes as a decree of Court. So likewise, if there should arise a difference or dispute as to the manner and proportions in which the money compensation to be given by Government upon the occupation for public purposes of khirajee land, shall be divided between the ryotts and under-tenants, or between them and the Government malgoozar, or between any other classes of persons claiming to participate; the course shall, in all such cases, be the same as is prescribed in the preceding clause of this Section for the case of lakhiraj lands, which may have been taken possession of for public purposes by Government, and of disputes arising in the apportionment of the consideration adjudged to be paid in consequence.

Arbitrators how to proceed when the possession is doubtful.

Fifth.—If the question of possession shall in any case be doubtful, or if there exist other grounds which, in the judgment of the arbitrators, render it improper to make immediate payment of the compensation awarded by them, or any part thereof, to any of the claimants, it shall be the duty of the arbitrators to certify the circumstance to the Judge, Magistrate, Collector, or other officer, under whose directions they may act, and in such case the amount which they may propose to reserve shall be invested in government securities, and held in deposit until one of the claimants shall obtain an order of Court for the payment of the same. But no dispute touching the property or possession of land, or other property required for public purposes, nor any flaw in the title of the party by or from whom it may be transferred to Government on the award of arbitrators, shall be allowed to defeat or disturb the title acquired by Government; and if any person or persons shall sue in any Court of Judicature to recover from Government damages or compensation for the loss of any such land or other property, such person or persons shall be nonsuited with costs: Provided also, that in cases wherein the possessor and ostensible proprietor of any land or other property required for any public purpose shall have consented to transfer the same to Government, on terms mutually agreed to, it shall be competent to the Governor General in Council, or any board or committee authorized by him in that behalf, to cause proclamation to be made in the manner prescribed in the second Section of this Regulation, requiring all persons claiming any right, title or interest in such land or other property, to prefer their claims on or before a certain date; and after such proclamation shall have been made, and the land or other property shall have been transferred to Government, any claim or suit to recover the same, or to obtain from Government compensation for the loss thereof, which may be preferred in any court of judicature, shall be dismissed with costs, unless the claim shall have been preferred as required by the said proclamation. But nothing herein contained shall affect the liability of the party, who may receive the value of any land or other property transferred to Government, without having a good title to the same.

Possession by Government of property transferred to it under this Regulation, not to be disturbed, or defeated by reason of any matter, touching the right or title of the former occupant.

Award, how to be given by Arbitrators.

VII. *First.*—On the close of the inquiry the arbitrator or umpire shall deliver to the officer commissioned as aforesaid to superintend the arbitration, a full and specific report and award upon the point or points submitted to their arbitration, under their respective signatures, with a solemn declaration subscribed thereto, that the award so given is, to the best of their judgment, true and impartial; and, according

according to the evidence adduced before them, they shall, at the same time, deposit with the said officer the whole of their proceedings.

Officer receiving award, how to proceed.

Second.—The aforesaid officer shall transmit to the Governor General in Council the report and award so delivered to him, with a report, stating the material points thereof, and his sentiments, how far the inquiry made by the arbitrators appears to have been conducted with fairness and impartiality, or otherwise; and the said officer shall be guided by the instructions of the Governor General in Council in regard to the execution of the award, when the same shall have been approved by Government.

Grounds on which alone award shall be impeached.

Third.—No award made under this regulation shall be liable to be reversed or altered, unless the same shall be open to impeachment on the ground of corruption or gross partiality, or shall extend beyond the authority given to the arbitrators; and such ground of impeachment shall be established on a regular suit in the Adawlut.

Surrender of property required for public purposes to be enforced by Magistrate.

Fourth.—If, after the award has been given in by the arbitrators, and the Governor General in Council shall have directed the premises to be appropriated for public purposes, the officer directed to occupy the same shall be opposed or impeded in taking possession, he shall apply to the Magistrate of the district, to whom it shall and may be lawful to enforce the surrender of the said premises.

Expenses to be paid by Government in cases referred to arbitration under the above Rules.

Fifth.—In cases referred to arbitration, under the provisions of the preceding Sections, any necessary expense which may attend the inquiry of the arbitrators, whether for the diet of witnesses or otherwise, shall be paid by Government.

The above Rules not applicable to the removal of obstructions to the navigation of rivers.

VIII. The Rules contained in the preceding Sections of this Regulation, shall not be held to be applicable to the removal from the bed or banks of navigable rivers or streams, of trees, broken boats, timbers, or the like, which may obstruct, or be likely to obstruct the navigation of such rivers and streams. Such obstructions may be summarily removed by the Magistrates of the several Cities and Zillahs, or by such other officer or officers as the Governor General in Council may by an order in council vest with the superintendence of any such river or stream, under the laws and usages applicable to the removal of nuisances, and such special provisions as may hereafter be enacted.

The above Rules not to be applicable to lands required for the use of the Salt Department, unless so expressly provided.

IX. *First.*—Since the revenue derived by Government from salt, within the provinces of Bengal, Orissa and Cuttack, is realized in the form of a monopoly of the manufacture, under a system established in the years 1780 and 1781, and since, in the prosecution of this system, Government have been in the occupation of certain lands adapted to the manufacture, and have all along exercised the privileges of assuming what has appeared to be fitted for the purpose, the same being at the time of such occupation wholly, or for the most part, unfit for cultivation, or for yielding profit by any other means; the above provisions shall not be considered to apply to the case of these lands, except in so far as they may be specially declared to extend to them in this or any future Regulation.

Rules for the adjustment of relative rights of the Zemindars, and the Officers of the Salt Department, founded on the result of a special inquiry.

Second.—An investigation having been instituted, under the orders of the Governor General in Council, with a view, first, to determine the character of the remissions of the land revenue allowed annually, from the time of the establishment of the present system of manufacture, to certain zemindars in the districts comprized in the salt agencies of the 24 purgunnahs, Jessore, Bhulooah, and Chittagong; and secondly, to settle the claims of the zemindars and the officers of the Salt Department at the agencies in question, respectively on each other. The following Declarations and Rules calculated for all results of such investigation, are hereby made and enacted, and the Courts of Civil Judicature, the officers of the Salt and Land Revenue Departments, and all other public authorities are to be by them guided in their determination of any question that may arise as to the right of the officers of the Salt Department to occupy salt lands, or other lands required for the purposes of the salt manufacture, and the rate of compensation to be paid for the same.

Khalaree remissions granted on the first establishment of the monopoly, on what principle allowed.

Third.—The principle upon which remissions were originally made, from the juma of zemindars, on account of khalaree rents, or the like, upon the assumption of the salt muhal, is hereby declared to have been to relieve those to whom they were granted from an assessment upon assets, which were transferred to Govern-

ment on the establishment of the system of exclusive manufacture, with the rights and interests attached to the possession of the muhal.

To be continued in perpetuity.

Fourth.—All zemindars or others, whose claims to remissions were allowed in the first instance, that is, on account of rents collected by them previously to the year 1188 B. S. shall be considered to fall within the class of land renters, who received an abatement of what they then ceased to collect, upon the principle above laid down; consequently, it is hereby declared, that the sums remitted to them will be allowed in perpetuity.

No further remissions or abatements on account of salt or fuel land to be allowed without authority of Government.

Fifth.—The collectors of land revenue, and the Board, are prohibited henceforward from receiving any applications to obtain credit in the land revenue collections for any amount, claimed as due for khalaree rent, and from allowing of any abatement or remission whatever from the land revenue juma, except the specified remissions allowed on account of rents collected previously to 1188, or such other as may be hereafter ordered by the Governor General in Council.

Claims by Zemindars to khalaree rents, how to be prosecuted.

Sixth.—Any land revenue engager who may prefer a claim to receive rent for khalaries now worked, or for what may be so henceforward, or for any that have been worked, and for which the rent of past years may be claimed to be due, shall be desired to make application to the salt agent, to have the same adjusted on the principles declared hereafter.

Collection of khalaree rents from Molungees, unless where authorized by Government to be discontinued.

Seventh.—The remissions allowed on account of rents collected previously to 1188, will still be retained on the revenue books, and will be carried to the debit of the Salt Department; but the levy of khalaree rents, bara cursa, or the like, from the Molungees, will be entirely discontinued, and the impost abolished from the commencement of the next salt year, save and except in cases wherein it may be otherwise specially ordered by the Governor General in Council; and henceforward any gomastah or other person attempting to enforce the impost, or demanding it in any shape without special authority from Government, shall, on proof to the fact before the agent, be immediately dismissed.

Also tax on fuel.

Eighth.—The levy of Goorkatee by the officers of Government from the Molungees, or of any other similar tax on the privilege of cutting jungle for fuel to be used in the manufacture of salt, shall in like manner, and with the like exceptions, be henceforward discontinued; whether the same be levied as an impost due to Government or otherwise.

Contracts for the manufacture of salt, what to specify.

Ninth.—All future contracts for the delivery of salt in return for advances received, shall, as far as practicable, specify distinctly the proportion of the aggregate price paid by Government, which may be allowed to cover the expense of fuel, and shall otherwise be rendered as specific as possible, with a distinct declaration of the amount to be paid to the Molungees, without impost or deduction on any account whatever, unless when otherwise specially authorized by Government.

Agents to ascertain and record in whom the property of salt lands is vested.

Tenth.—It shall be the duty of the agents to ascertain and record at the time of making the advances next season, or as soon after as may be practicable, in whom the property of the khalaries and salt lands within their respective divisions is vested.

What lands to be considered as held by the Officers of the Salt Department free of rent, under a perpetual tenure, and to be eventually liable to assessment by the Revenue authorities.

Eleventh.—Salt lands worked by the Salt Department, from the time of the assumption of the monopoly to the present day, or otherwise assumed and held before and since the perpetual settlement (although originally belonging to an estate for which a permanent settlement has been formed), shall be considered to be held by the officers of the Salt Department, free of rent, under a perpetual title of occupancy, and shall be considered to be and to have been liable to assessment by the revenue authorities, when relinquished by the officers of the Salt Department, in the same manner as if they had been farmed by an individual from Government, and had become open to re-settlement on the expiration of his lease.

What lands to be considered as the property of Government.

Twelfth.—Salt lands, upon which salt works have been established, whether before or after the perpetual settlement, shall, provided they have been worked for twelve years without claim on the part of any one to receive a rent or compensation for the use of the same, be deemed to be the absolute property of Government.

What lands to be considered as belonging to individual proprietors.

Thirteenth.—Salt lands, upon which salt works were established after the perpetual settlement, and for the use of which a rent or consideration may be now paid

paid to individuals, shall, until otherwise determined by a decree of Court, be deemed to be the property of the said individuals, who, for so long as the lands may be occupied by the Salt Department, shall receive the same rent as they received for the use of the same in the past year. The rent is to be paid in money, and to be charged in the salt agent's accounts, amongst other expenses of the manufacture, without any demand being made on the contractors or Molungees on account thereof, unless otherwise specially authorized. This payment is to continue as long as the Salt Department shall retain possession of the lands, and to cease when those lands shall lose their saline quality, and be given up by the salt agents. Provided, however, that nothing in this Clause shall be construed to preclude the revenue officers from proceeding under the Rules of Regulation II. 1819, to assess the lands so occupied by the Salt Department, if the same be chargeable with revenue on account of the rent paid by that department, or the collections otherwise made by the party claiming to be proprietor.

Rents, how to be paid.

X. *First.*—Salt lands may be occupied as heretofore by the officers of the Salt Department, an adequate compensation being made to the proprietors, if the lands be private property. The salt agent, on taking possession of any such land, shall notify the circumstance, by causing a flag to be exhibited on the spot, and by publishing an ishtahar, defining as accurately as possible the situation and limits of the land occupied by him, such ishtahar to be stuck up in the Collector's cutcherry, and the agent's own office; and persons claiming to be proprietors of such land, who may neglect or delay to prefer such claims, shall not be held entitled to any arrears of rent beyond the year in which their claim may be afterwards preferred.

Salt lands, how to be occupied by Officers of Salt Department.

Second.—Upon any zemindar preferring a claim to property in lands occupied for the salt manufacture, and for which no rent or consideration shall have hitherto been paid to any individual, the salt agent and collector, or both, where the two offices may be held separately, shall either proceed in person, or depute a substitute or substitutes, being, if possible, European public officers, to determine by inquiries on the spot, how far, with reference to the principle laid down in Section III. Regulation II. 1819, the chur or other salt land is part of the zemindar's assessed estate. The Collector will, at the same time, call upon the zemindar to produce any evidence or documents on which he may rely in proof of his claim, and shall regularly enter the same on the proceedings, together with a statement of the fact, established by local inquiry (whether conducted by the Collector himself, or by an officer specially commissioned,) and shall finally record his own opinion on the case in a Persian or Bengally roobukaree. If the Collector shall be satisfied that the land in question is part of the zemindar's estate, he shall adjust, subject to the instructions of the Board of Revenue, the consideration to be paid by the Salt Department for the use of the chur or other salt land, carefully specifying the extent and limits of the same. If the zemindar shall not agree to the terms proposed by the Collector, the amount of rent or compensation to be paid shall be settled under the Rules above enacted for settling generally the course to be followed in effecting a constrained transfer of private property for public purposes, reference being had to any injury the zemindar may sustain by having the manufacture conducted on his estate, as well as to any profit he might otherwise derive from the land. If the agent shall consider the amount awarded to the zemindar to be too great, he shall nevertheless pay it for the first year, and may then remove. If the agent shall agree to the award, the same rate will be paid annually during the occupancy, without reference to what may be the subsequent extent of the manufacture, or to the quantity of land comprised in the chur.

Claims to lands so occupied, how to be prosecuted and adjusted.

Third.—If on a claim being preferred as above by a zemindar, the Collector shall be of opinion that the chur or salt land belongs to Government, he shall nevertheless proceed to adjust with the agent the amount of rent to be paid by the Salt Department for the use of it, and will in this case transmit his proceedings to the Board, for their decision on the zemindar's claim; provided also, that in cases in which the Collector may decide in favour of the zemindars, it shall still be competent to the Board to call for his proceedings, and to pass judgment on the claim, whenever, from the representation of the salt agent or otherwise, they may see reason to think the decision of the Collector erroneous. The decision of the revenue authorities, when in favour of Government, will be of course liable to be contested by suit in court. If the property in any land, occupied as aforesaid, shall

What course to be followed if land claimed by zemindar shall appear to Collector to belong to Government.

be decreed to the claimant, he will become entitled to the rent with which the revenue authorities may have charged the Salt Department; and if he be dissatisfied with the rent so fixed, the amount to be received by him shall be settled by arbitration, in the manner hereinbefore provided for the adjustment of the compensation to be paid for the land taken for public purposes: but in such case the possession of the salt agent shall not be disturbed, so long as he shall discharge the rent awarded to the proprietor.

Pending claims how to be adjusted.

Fourth.—The same mode of adjustment shall be observed in regard to all claims now pending for compensation for the use of salt lands, but no remission of revenue shall be granted on this or the like account.

Rent of land occupied by Salt Department, when to cease.

XI. The rent of land occupied by the Salt Department shall be payable, unless otherwise specially settled, by the Bengal year; and whenever a salt agent shall see fit to remove from any salt lands occupied by him, he shall cause the flag to be withdrawn within one month after the expiration of the manufacturing year, and shall further give notice of his intention to do so by an ishtahar, published in the mode directed to be followed on the first occupation of salt lands, such notice to be given before the commencement of the ensuing Bengal year; and if any agent shall neglect to give due notice as aforesaid, and shall not be otherwise able clearly to show that the owner of the land occupied by him was fully apprized of his intention to quit previously to the expiration of the last year of his occupancy, then the owner shall be entitled to recover damages to the extent of one year's rent of the land, but shall not have any further claim on the agent, or Government, on account of arrears of rent, unless such arrears shall be due on account of years included in the term of a specific engagement.

Cultivation of salt churs without permission of Board of Customs, Salt and Opium prohibited.

XII. No cultivation shall be allowed within the limits of any chur or other lands transferred to the Salt Department, unless with the permission of the Board of Customs, Salt and Opium, so long as the manufacture shall be continued on the same; and it shall and may be lawful for the salt agent, and his subordinate officers, to attach, confiscate and dispose of, as may be directed by the Board, any crops grown on such land in contravention of this rule, and to require the police to aid him in doing so; and any person illicitly cultivating, clearing or ploughing such land, or doing any act preparatory to its cultivation and clearance, or causing another to do so, shall, on conviction before a Magistrate, be subject for every such offence to a fine not exceeding five hundred rupees, besides being liable in a civil action for any damage which the Salt Department may sustain; provided, however, that if any chur or other salt land, occupied as above, shall become through natural causes useless for the purposes of the Salt Department, the proprietor thereof shall be entitled to recover possession of the same, on establishing the fact to the satisfaction of the Board of Customs, Salt and Opium, or by a regular suit in court, and on relinquishing the compensation paid to him by the salt agent for the use of the land.

Churs and Salt lands not belonging to individuals, how to be held by the Officers of the Salt Department.

XIII. Churs and salt lands, now occupied by the Salt Department, and for which no compensation may be now paid, or be hereafter adjusted to be due, as well as all such churs and salt lands as may be declared to be the property of Government, shall be held by the salt agents under regular puttahs from the Collector, containtaining as accurate a specification as possible of the extent and limits of the land; all such lands shall, upon their losing their saline quality, and becoming unfit for the salt manufacture, be made over to the Collector, and if cultivation be found in such churs or lands before or after the officers of the Salt Department may have relinquished them, it shall at any time be competent to the Collector to cause a settlement to be made on the part of Government with the actual cultivators, without reference to the pretensions of any one else to take the rents from these. In like manner the revenue authorities may sell the Government interest in such lands, or let them in farm, with such assessment as it may appear proper to impose.

Rules for settling the relative rights of Zemindars and Government, in respect to fuel lands.

XIV. *First.*—The following Rules are enacted for the purpose of defining and settling the relative rights of Government and of the zemindars in regard to the waste lands whence fuel is procured for the salt manufacture, with reference to the principles on which the monopoly was established at the period above mentioned, and the practice since followed.

Where no specific engagements exist, the Salt Department

Second.—In cases wherein no engagements may have been entered into for specific lands with ascertained limits, the Salt Department shall be considered to have the

the right of free fuel from all jungle or waste land lying within estates, the owners of which are allowed a remission of revenue, or receive rent from, or on account of the Salt Department, to the full extent of the manufacture now established, so long as the said remission and rent shall continue to be allowed and paid. Fuel required for new or additional khalaries is to be procured by agreement with the owner, or cut from land the property of Government.

shall be held to be entitled to free fuel, to the extent of the existing manufacture from waste land within estates of which the owners receive remissions.

Third.—Nothing contained in the above Clause shall be construed to affect the rights of Government in land specifically reserved for the supply of fuel, nor shall the above provision be construed to authorize the officers of the Salt Department to prevent the cultivation of waste or jungle land, unless the same shall have been reserved under specific engagements. If it be required to reserve any fuel lands beyond those already reserved for the use of the Salt Department, an arrangement must be made for the purpose with the proprietors of the land, or measures taken for effecting the transfer of them to Government as hereinafter specified.

The above provision not to affect rights specifically reserved, nor to entitle the Officers of Salt Department to prevent cultivation.

Fourth.—If any zemindar shall refuse to allow the salt officers to take on reasonable terms the fuel required by them from the jungle lying within his estate, such fuel not being demandable, under the second Clause of this Section, the necessary fuel shall be taken, and a just computation settled under the Rules prescribed in the third and four following Sections of this Regulation. The same course of proceeding shall be followed in cases in which the interest of the Salt Department shall render it necessary to reserve any parcel of fuel land, and the owner thereof shall refuse to surrender it on equitable terms.

In what cases recourse shall be had to the proceeding specified in Section IV.

XV. In cases wherein any rent or remission may have been paid or allowed to any zemindar or other proprietor of land, in addition to the remission granted on account of khalaree rents, collected previously to the Bengal year 1188, the receipt of the remission last mentioned shall be held only to bind the zemindar or other proprietor of land receiving the same, to allow the right of free fuel to the extent of the manufacture established in the year aforesaid; and on the other hand, the Government shall not be bound to continue any rent or remission now paid or allowed in addition to the remission granted as aforesaid, if the manufacture shall be reduced to the standard of the said year, but on the discontinuance of the khalarees established since that period, or on the reduction of the extent of manufacture to the standard of the said year, Government shall be entitled to discontinue any rent or remission paid or allowed on account of such khalaree, and further shall be competent to cause a new adjustment to be made of the rent or remission to be hereafter paid on account of khalarees established since the year above mentioned.

Declaration as to the extent of privilege secured to the Salt Department by remissions granted on account of collections made previously to the Bengal year 1188, in cases wherein further rents or remissions may have been granted.

A. D. 1824. REGULATION II.

A REGULATION for abolishing the Furruckabad Mint, and for modifying some of the Rules in force relative to the Furruckabad Rupee:—Passed by the Right Honourable the Governor General in Council, on the 5th February 1824, corresponding with the 24th Maug 1230 Bengal era; the 20th Maug 1231 Fusly; the 25th Maug 1231 Willaity; the 5th Maug 1880 Sumbut; and the 4th Jumadee-us-Sanee 1239 Higeree.

WHEREAS provision has been made by Regulation XXVI. 1817, for the coinage of the Furruckabad Rupee, at any of the Mints established by Government; and it appears to be no longer necessary to continue the Mint at Furruckabad for the coinage of the said Rupee: And whereas it is expedient to modify the existing Rules relative to the currency of Furruckabad Rupees, in conformity with the principle already applicable to the Calcutta Sicca Rupee, under the provisions of Section I. Regulation XIV. 1818, the following Rules have been enacted to be in force from the date of their promulgation.

Preamble.

II. The Mint established at Furruckabad, under Regulation XLV. 1803, shall be abolished; and all Rules which require or can be construed to require, that any money or bullion shall be sent to or received for coinage at the said mint, are

The Mint at Furruckabad abolished.

Proviso in regard to coin or bullion brought to the Mint at Furruckabad for coinage, previously to the promulgation of this Regulation.

hereby rescinded; provided, however, that all persons who, previously to the promulgation of this Regulation, may have brought coin or bullion to the said mint for coinage, shall be entitled to receive the produce thereof under the Rules of Regulation II. 1812, or an equivalent sum.

Furruckabad Rupees, and Half and Quarter Rupees, to be still receivable in all public and private transactions, if not below a certain weight.

III. In modification of the Rules contained in Sections XXXIII. and XXXV. Regulation XLV. 1803, it is hereby enacted, that all Furruckabad rupees, and half and quarter rupees, shall be receivable in all public and private transactions, if, when separately weighed, the deficiency in point of weight be not more than two pies, or grains troy 1. 875. per rupee.

A. D. 1824. REGULATION III.

A REGULATION to empower Government to extend the Jurisdiction of Registers in certain cases:—Passed by the Governor General in Council on the 12th February 1824, corresponding with the 1st Phaugun 1230 Bengal era; the 27th Maug 1231 Fusly; the 2d Phaugun 1231 Willaity; the 12th Maug 1880 Sumbut; and the 11th Jumadee-us-Sanee 1239 Higeree.

Preamble.

BY the provisions of Regulation II. 1815, it is made competent to the Governor General in Council to invest a Register, stationed at a place not being the station of the Zillah or City Dewanny Adawlut, with original jurisdiction in the cognizance and trial of summary suits, originating in portions of districts different from the district to which such Register may stand appointed. With a view to the farther relief of the Judges of the Zillah and City Courts from the arrears of business depending before them, it is expedient to make it competent to the Governor General in Council to extend the jurisdiction of such Registers in regular suits. The following Rules have accordingly been enacted to be in force from the period of their promulgation throughout the provinces immediately subject to this Presidency.

Registers may be empowered to investigate regular suits arising in any portion of any district, in which he may exercise the powers of Joint Magistrate.

II. *First.*—It shall be competent to the Governor General in Council to extend the jurisdiction which may be vested in a Register, with regard to the cognizance and trial of regular suits, under the provisions of Regulation XXIV. 1814, Sections XI. XII. and XIII. Regulation II. 1821, and the other Rules in force upon the subject, to those portions of other districts in which such Register may be authorized to exercise the powers of joint Magistrate.

Provisions in the existing Regulations, applicable to such suits.

Second.—The provisions contained in the existing Regulations for the guidance of Registers, stationed at a distance from the Sudder station, shall be equally applicable to the trial and decision of suits which may be instituted before them, or referred to them under the foregoing Clause.

Reports to be furnished by such Registers to the Judge of the Zillah or City within whose jurisdiction the suit may have originated.

Third. All periodical and other reports prescribed by the Regulations, or the order of the Sudder Dewanny Adawlut, shall be furnished by such Registers to the Judge of the Zillah or City Courts, within whose jurisdiction such suits may have originated.

A. D. 1824 REGULATION IV.

A REGULATION to provide more effectually for the Office of Register of Deeds:—Passed by the Governor General in Council on the 12th February 1824; corresponding with the 1st Phaugun 1230 Bengal era; the 27th Maug 1231 Fusly; the 2d Phaugun 1231 Willaity; the 12th Maug 1880 Sumbut; and the 11th Jumadee-us-Sanee 1239 Higeree.

Preamble.

BY Section XV. Regulation XXXVI. 1793, and the corresponding provisions in Regulations XXVIII. 1795, XII. 1805, and XVII. 1803, for Benares, Cuttack and the Ceded and Conquered Provinces, the Zillah and City Registers who are

are also Registers of Deeds, under those Regulations, are permitted, in case of absence from their stations, sickness, or any other disqualification from personal attendance, to appoint (with the approbation of the Judge to whom they may be Registers respectively) a deputy, being a covenanted servant of the Company, to act for them in the registry of deeds; and such deputy, so appointed and approved, after taking a similar oath to that prescribed for the Register, is authorized to perform the several acts which the Register is empowered to perform, under the Regulations above mentioned, and such as have been since enacted relative to the registry of deeds: but much inconvenience has been experienced by the community in consequence of Registers who may be on leave of absence, on deputation, or otherwise disqualified, omitting to appoint a deputy in the mode prescribed; and also in consequence of occasional vacancies in the office of Zillah or City Register, in which case no provision is made by the existing Regulations for the performance of the duty of Register of Deeds. With a view therefore to provide against the recurrence of such inconvenience, and to supply what is defective in the existing Regulations, the following Rules have been enacted, to be in force from the date of their promulgation, in the provinces immediately subject to the Presidency of Fort William.

The office for the Registry of Deeds to be established at the Sudder station of the Zillah or City Court.

II. The office for the registry of deeds in the several zillahs and cities, which is provided for by Regulation XXXVI. 1793, extended to Benares by Regulation XXVIII. 1795, and to Cuttack by Section XXXII. of Regulation XII. 1805, and re-enacted for the Ceded Provinces in Regulation XVII. 1803, extended to the Conquered Provinces and Bundlekund by Clause first, Section XVII. Regulation VIII. 1805, shall in all cases be established at the station of the Zillah or City Court, and shall, as directed by the Regulations above mentioned, be superintended by the Register of the Zillah or City Court, or where there may be more Registers than one, by the Register employed at the station of the Zillah or City Court, so long as he may continue to reside at such station, and, as already required by the Regulations in force, he shall personally discharge the duties of the office committed to him whilst present at the station, unless prevented by sickness or otherwise; in which case, as well as in all cases of temporary absence from the station, he is permitted, as heretofore, with the approbation of the Judge of the Zillah or City Court to which he may be attached, to appoint a deputy, being a covenanted servant of the Company, and duly qualified to act for him, who, after taking an oath similar to that prescribed for the Register of Deeds, is authorized to perform the several acts which the Register is empowered to perform.

Superintended by the Register.

If there be more than one Register, by the Register employed at the Sudder station.

If the Register be prevented from performing this duty by sickness, &c. may appoint a deputy, with approbation of the Judge.

Deputy to be a covenanted servant.

Must take oath.

If Register vested with superintendance of the office be absent from Sudder station, and have not appointed a Deputy, the Judge authorized to appoint a Deputy.

III. Whenever a Zillah or City Register, vested with the superintendance of the Registry Office, may be absent from the station where the office is established without having appointed a deputy in pursuance of the foregoing Section, the Judge of the station is hereby authorized to appoint some duly qualified covenanted servant of the Company to act as Deputy Register of Deeds, and the deputy so appointed, after being duly sworn, shall be authorized to perform the prescribed duties of the office.

Judge shall appoint a qualified person, being a covenanted servant, to act as Register of Deeds, when from a vacancy in an office of Register, a deputy cannot be appointed.

IV. It shall moreover be the duty of the Zillah or City Judge to appoint a qualified person, being a covenanted servant of the Company, to officiate as Register of Deeds, whenever, from a vacancy in the office of Register, the nomination of a deputy cannot take effect agreeably to the preceding Section.

If there be no qualified person at the station, the Judge is authorized and required to perform the duty himself.

V. In the event of there being no covenanted servant at the station, to whom, in the cases mentioned in the two preceding Sections, the Judge may deem it proper to confide the office of registering the deeds, he is himself hereby authorized and required to perform the prescribed duties of the office.

Registry of Deeds hitherto duly executed by other covenanted servant than the Register, with the permission of Judge, in absence of Register, equally valid, as if executed by Register.

VI. The Registry of all Deeds which may have been hitherto duly executed by a Zillah or City Judge, or other covenanted servant with his sanction, in the absence of the Register, is hereby declared to be of equal validity as if it had been executed by the Zillah or City Register.

Deputy or Acting Register to receive the fees.

Fees to be carried to the credit of Government, when the Judge registers deeds, after defraying the necessary expense of the establishment.

VII. The deputy or officiating Register appointed under Sections II. III. or IV. of this Regulation shall receive, during the time of his officiating, the fees authorized by the Regulations; but whenever the Judge may perform the duty under Section V., the net amount of such fees, after defraying the necessary expense of the establishment, shall be carried to the credit of Government.

A. D. 1824. REGULATION V.

A REGULATION for extending the operation of Regulation VI. 1823, to the Provinces of Orissa, Behar and Benares, and to the Ceded and Conquered Provinces:—Passed by the Governor General in Council on the 4th of March 1824; corresponding with the 22d of Phaugoon 1230 Bengal era; the 19th Phaugoon 1231 Fusly; the 23d Phaugoon 1231 Willaity; the 3d Phaugoon 1880 Sumbut; and the 2d Rujeeb 1239 Higeree.

Preamble.

WHEREAS it has been deemed expedient to extend to the Provinces of Orissa, Behar and Benares, and to the Ceded and Conquered Provinces, the operation of Regulation VI. 1823, intituled, "A Regulation for authorizing the institution of "Summary Suits, to enforce the execution of certain Written Engagements for the "cultivation and delivery of Indigo Plant, and for declaring certain Principles in "regard to the same;" the following Rule has been enacted to take effect in the provinces above enumerated from the date of the promulgation of this Regulation.

Regulation VI. 1823, extended to the Provinces of Orissa, Behar and Benares, and to the Ceded and Conquered Provinces.

II. The operation of the provisions of Regulation VI. 1823, is hereby extended to the Provinces of Orissa, Behar and Benares, and to the Ceded and Conquered Provinces.

A. D. 1824. REGULATION VI.

A REGULATION for defining the course of proceeding to be pursued by the Magistrates with respect to Individuals charged before them with two or more offences in certain cases; for modifying Clause Second, Section II.; and for amending certain other Provisions of Regulation XII. 1818:—Passed by the Governor General in Council on the 25th March 1824, corresponding with the 14th Chyte 1230 Bengal era; the 10th Chyte 1231 Fussily; the 15th Chyte 1231 Willaity; the 10th Chyte 1880 Sumbut; and the 23d Rujeeb 1239 Higeree.

Preamble.

WHEREAS it appears requisite to define the course of proceeding to be pursued in cases of individuals charged before a Magistrate with two or more offences of the nature described in Clause Fourth, Section II. and Clause Fourth, Section III. Regulation XII. 1818, for each of which they would be liable to the punishment prescribed in Clause Fifth, Section II. and Clause Fourth, Section III. of the above Regulation: And whereas it appears expedient to authorize the Magistrates to commit persons charged with the offence of burglary, (as they are now authorized in cases of theft) to take their trial before the Court of Circuit whenever they may appear to the Magistrate to be deserving of a severer punishment than he is authorized to inflict, although none of the circumstances of aggravation enumerated in Clause Second, Section II. of the above Regulation may exist: And whereas it appears expedient to amend certain other provisions of that Regulation; the following Rules have been enacted to be in force from the promulgation of them throughout the territories immediately dependent on the Presidency of Fort William.

No sentence to be passed by Magistrate on individuals charged with two or more distinct offences punishable under Sections I. II. & III. Regulation XII. 1818, until the proceedings in both cases are completed.

II. *First.*—Whenever a prisoner may be charged before a Magistrate or joint Magistrate with two or more distinct offences, for neither of which he may have been previously brought to trial, but for each of which he would be subjected, on conviction, to the penalties prescribed by Clause fifth, Section II. or Clause fourth Section III. Regulation XII. 1818, the Magistrate shall refrain from passing any sentence until he shall have completed his proceedings in both cases.

On conviction of two or more charges, Magistrate may pass sentence of punishment to the extent authorized for one, if such punishment appears sufficient.

Second.—Should the prisoner be convicted of two or more of the offences charged, the Magistrate is authorized to reduce the punishment so as not to exceed in the aggregate thirty stripes with a ratan, and imprisonment for the term of two years; provided he shall be of opinion, on consideration of the several acts of criminality established against the prisoner, and the circumstances of each case, that the punishment above specified is sufficient.

Third.

Third.—If, however, the Magistrate should be of opinion that the prisoner is deserving of a more severe punishment than that above specified, he shall refrain from passing any sentence, and shall commit the prisoner to take his trial before the Court of Circuit for each offence.

If not sufficient, the Magistrate to commit the prisoner to the Court of Circuit for trial for each offence.

III. In modification of Clause second, Section II. Regulation XII. 1818, the Magistrates are hereby declared to be empowered to commit for trial to the Court of Circuit any person charged with the offence of burglary, whenever they may be of opinion, that there exist any circumstances of aggravation (though not of the nature specified in the Clause above quoted) such as to render the prisoner deserving of a more severe punishment than the Magistrates are competent to inflict.

Clause Second, Section II. Regulation XII. 1818, modified.

IV. A doubt having arisen whether the amendment of Section III. Regulation XII. 1818, contained in Section IV. Regulation IV. 1820, in cases of theft, when the amount or value stolen shall exceed the sum of three hundred rupees, was meant to be applied to purchasers or receivers of stolen property, in amendment of the second Clause of Section IV. Regulation XII. 1818, it is hereby declared that the provision for commitment to the Court of Circuit, contained in Section IV. Regulation IV. 1820, is applicable to purchasers and receivers of stolen property, knowing at the time that such property was stolen, when the amount or value of the property stolen shall exceed three hundred rupees.

Section IV, Regulation IV. 1820, applicable to purchasers and receivers of stolen property, when the amount or value stolen shall exceed three hundred Rupees.

V. It is further declared, in amendment of the provisions for commitment to the Court of Circuit, contained in Sections II. III. and IV. of Regulation XII. 1818, that a previous conviction of petty theft, not exceeding ten rupees, when unattended with any aggravating circumstance, shall not be deemed a previous conviction of a heinous crime, such as precludes the Magistrate's judicial cognizance of a charge of burglary or theft, or of buying or receiving stolen property, and requires that the prisoner be committed for trial before the Court of Circuit, in any of the Sections above mentioned.

Sections II. III. and IV. of Regulation XII. 1818, amended.

A. D. 1824. REGULATION VII.

A REGULATION for explaining and amending certain parts of the Regulations at present in force, respecting the Manufacture and Sale of Spirituous Liquors and Intoxicating Drugs, and for enacting certain Rules for the better security of the Revenue derived from the exclusive Manufacture and Sale of Opium:—Passed by the Governor General in Council on the 25th March 1824, corresponding with the 14th Chyte 1230 Bengal era; the 10th Chyte 1231 Fussily; the 15th Chyte 1231 Willaity; the 10th Chyte 1880 Sumbut; and the 23d Rajeb 1239 Higeree.

WHEREAS doubts having arisen whether the Rules prescribed in Regulation X. 1813, are applicable to the retail of Spirits imported by Sea, or manufactured in this Country at Distilleries worked according to the European process, it is advisable that such doubts should be removed: And whereas it is also deemed expedient to make certain alterations in the Rules at present in force respecting the Manufacture and Sale of Spirituous Liquors and Intoxicating Drugs: And whereas the existing provisions for the security of the Revenue derived from the exclusive Manufacture and Sale of Opium, and for the realization of the Custom duty chargeable on Foreign Opium imported by Sea, have been found insufficient; the following Rules have been passed, and are to be in force from the date of their promulgation throughout the territories immediately dependent on the Presidency of Fort William.

Preamble.

II. *First.*—It is hereby declared and enacted, that the retail sale of spirituous liquors, whether imported by sea or land, or manufactured in this country, by whatever process, except under licences from a Collector, or Assistant Collector, or other officer duly authorized to grant such licence, is and shall be considered to be illegal, and the rules of the existing Regulations, whereby certain penalties are prescribed for the illicit sale and manufacture of spirituous liquors, shall be held to be equally applicable to all descriptions of spirits, unless otherwise specially provided. In like manner the retail sales of wines, or fermented liquors of any description, except under licence, is hereby prohibited, under pain of the same penalties as are prescribed for the illicit sale of spirituous liquors.

The retail sale of Spirits, Wines and all kinds of fermented Liquors, except under a Collector's licence, declared to be illegal, and subject to penalties.

Persons, not being British-bornSubjects, prohibited from constructing or working Distilleries, and from selling Spirits, Wines, &c. without a licence.

Second.—Persons not being British-born subjects shall not construct or work a distillery, of whatever description, within the said territories, nor sell within the same spirits or wines of any kind, whether imported by sea or land, or manufactured in the country, without a licence from the Collector of the district, or other officer in charge of the abkarry mehal.

British-born Subjects prohibited from constructing or working a Distillery at more than ten miles from Calcutta, and from retailing Spirits, Wines, &c. in any part of the country, without a licence from the Collector of the district.

Third.—In like manner persons being British born subjects, shall not construct or work a distillery of any description at a distance exceeding ten miles from the town of Calcutta, nor retail spirits or wines of any kind in any part of the territories dependent on this Presidency, without a licence from the Collector of the district, or other officer in charge of the abkarry mehal, or specially appointed by Government to collect the duties chargeable on spirits manufactured by the said persons.

Such persons constructing or working a Distillery in the European manner within the limits above specified, to continue subject to the Rules contained in Regulation II. 1802. Proviso.

Fourth.—British born subjects who may work or construct a distillery after the manner in which distilleries are constructed and worked in England, at any place of which the distance from Calcutta may not exceed ten miles, shall continue and are hereby declared to be subject to the Rules contained in Regulation II. 1802: Provided, however, that it shall at all times be competent to the Governor General in Council, by an order in council, to invest such person or persons as may be judged proper with the powers and authority, which, under that Regulation, belong to the Justices of the peace acting in and for the twenty-four pergunnahs, and the districts adjacent to Calcutta.

Distillers to pay the prescribed still-head duty to the Collector, &c. in charge of the Abkarry Mehal.

Fifth.—All persons not being British born subjects who may construct or work distilleries as aforesaid at any place whatsoever, within the provinces subordinate to this Presidency, as well as all British born subjects who may construct or work such distilleries at any place of which the distance from the town of Calcutta may exceed ten miles, shall pay the still-head duty, prescribed by the said Regulation, to the Collector, or officer in charge of the abkarry mehal, or such other officer as the Board of Revenue may direct to adjust or receive the same; and the powers vested by the said Regulation in the Justices of the peace, acting in and for the districts aforesaid, in regard to distilleries constructed or worked as aforesaid beyond the limits aforesaid, are hereby vested in the Collectors, and other officers in charge of the abkarry mehal, for their respective districts.

Collectors, &c. authorized to exercise the powers vested by Regulation II. 1802, in Justices of the Peace.

Proviso in cases where it may be deemed necessary to suspend the operation of particular Rules;

and power reserved to substitute such other Rules as may from time to time appear expedient.

Sixth.—Provided, however, that when from local circumstances or other sufficient cause, it shall appear to be expedient to suspend the operation of any part of the rules contained in Sections IV. V. VI. VII. VIII. X. XI. XII. XIII. and XIV. of the aforesaid Regulation, with a view to the relief of the distillers from unnecessary interference, it shall be competent to the Governor General in Council, by an order in council, to direct the said rules, or any part of them, to be suspended for such period as may from time to time appear proper, and in lieu thereof to prescribe such other rules relative to the payment of the duty chargeable to the passing and storing of the spirits manufactured, and of the stills, coppers, casks and other utensils employed in the distillery, to the inspection and examination of the distillery, and the warehouses, godowns or other places used for manufacturing or storing the spirits, and to the furnishing of periodical statements and lists of the spirits and utensils aforesaid, as may from time to time be judged expedient; and for any breach of the rules so prescribed the party offending shall, in addition to all other forfeitures that may attach to the act, forfeit to Government a sum equal to the penalty prescribed for a violation of the rule contained in the fourth Section of Regulation II. 1802.

To what description of Spirits the Rules in force relative to a drawback on exportation, are to be considered applicable.

III. *First.*—The rules contained in Sections XVI. XVII. XVIII. XIX. XX. and XXI. Regulation II. 1802, are hereby declared to extend to all spirits whatsoever, manufactured in this country at distilleries constructed and worked after the manner in which distilleries are constructed and worked in England. The drawback payable on the exportation of all such spirits shall be paid by the Collector of Customs, and the accounts thereof shall be adjusted in such manner as the Governor General in Council may direct.

Spirits manufactured within the Foreign Settlements, prohibited from being carried out of the limits of such Settlements,

Second.—Spirits manufactured within any of the foreign settlements on the river Hooghly, shall not be carried out of the limits of such settlements until a duty equal to the still-head duty chargeable on spirits manufactured as aforesaid shall have been paid to the Collector at Hooghly, or such other officer as the Governor General

General in Council may appoint, and a pass for the same obtained from such officer.

until the still-head duty shall have been paid.

IV. *First.*—All persons receiving a licence for the retail sale of spirits, manufactured at any European distillery, shall pay a duty to Government of such amount per gallon as shall, with the still-head duty, equal the highest amount payable under the rules of Regulation X. 1813, on spirits manufactured at the sudder distillery of the district in which such retail sale shall be conducted, or at the nearest sudder distillery if there be none within the district, due allowance being likewise made for the difference in the strength of the spirit.

Rate of duty to be paid to Government by persons receiving a licence for the retail sale of Spirits manufactured at any European Distillery.

Second.—All persons receiving a licence for the retail sale of spirits, manufactured in Europe or America, of Batavia or Ceylon arrack, or of any spirits whatsoever imported by sea, shall in like manner pay a retail duty to Government of such amount per gallon as shall, with the duty of customs or other duty paid on the importation of the said spirits, equal the highest amount of duty payable on spirits manufactured at the sudder distillery of the district, or at the nearest distillery if there be none within the district, allowance being made for the difference in the strength of the spirits.

A retail duty to be paid on all Spirits imported by Sea;

Third.—Persons receiving a licence for the retail sale of wines of any sort, shall pay a retail duty to Government equal to the duty payable under the above Clauses on proof spirits.

and upon the retail sale of Wines.

Fourth.—Persons receiving licences for the retail of wines or spirituous liquors, shall be previously required to enter into such agreements, relative to the payment of the retail duty, and with such security as the officer granting the licence, or the Board, or other authority under which such officer may be placed, shall from time to time direct; and any breach of the conditions stipulated in such agreement shall, besides the forfeiture of any penalty specially provided for, subject the offender to the penalties prescribed for the illicit sale of spirituous liquors.

Retailers of Wines or Spirits previous to receiving a licence to enter into engagements, and give security for paying the retail duty.
Penalty for any breach of such engagements.

V. *First.*—The wholesale vend of wines and spirits beyond the limits of Calcutta, excepting under licences from the Collector or other officer in charge of the abkarry mehal, is hereby prohibited. Persons receiving such licences shall pay a fee of sixteen rupees for each licence received by them.

Prohibition against the wholesale vend of Wines and Spirits, beyond the limits of Calcutta, except by licence. A fee to be paid for such licence.

Second.—Any sales of wines or spirituous liquors, in a less quantity than two gallons, shall be held to be a retail sale.

The sale of less than two gallons of Wines or Spirits to be considered a retail sale.

VI. Licences for the retail sale of spirits manufactured at the sudder distillery, as well as licences to persons authorized to manufacture, or sell spirits manufactured after the native process, at places beyond the boundaries prescribed for the sudder distilleries, shall continue to be granted under the provisions of Regulation X. 1813: Provided, however, that such part of the said provisions as prohibit the introduction within four coss of the place at which the sudder distillery of a district is stationed, of spirits manufactured at any other place, shall be held to apply only to persons introducing spirits within the said limits, without having a regular licence or pass from an officer authorized by Government to grant the same, and shall not be construed to restrict the revenue authorities from granting licences or passes, nor to affect their validity when granted.

Licence for the retail sale of Spirits manufactured at or beyond the boundaries of the Sudder Distilleries, to be granted as heretofore.

Proviso.

VII. *First.*—Such parts of Sections XIX. and XXVII. Regulation X. 1813, or of any other provision or regulation in force, as restrict or can be construed to restrict the revenue authorities in the exercise of their discretion relative to the period for which licences, for the manufacture or sale of spirituous liquors, taury or putchwye, or of intoxicating drugs, shall be granted, is hereby rescinded.

Such parts of the Regulations in force as restrict the Revenue authorities, in regard to the period for granting licences for the manufacture and sale of Spirits, &c. rescinded.

Second.—Licences granted under the provisions of this or any other Regulation, for the retail sale of spirituous liquors, taury or putchwye, or of intoxicating drugs, shall be in force for one year only, from the date on which they may be granted, unless where otherwise specially directed by Government, or by the Board of Revenue, or other authority exercising the powers of that Board, who are hereby declared to be competent, subject to the restriction hereinafter prescribed, to cause licences for the manufacture or sale of the said articles to be granted for such periods as may in each case be deemed expedient.

Licences for the retail sale of Spirits, &c. to be granted for one year, unless otherwise specially ordered by Government or the Board of Revenue.

Power vested in the Board of Revenue to modify and alter the terms of licences and engagements, as may from time to time appear expedient.

Third.—It shall also be competent to the Board of Revenue, or other authority exercising the powers of that Board, with the sanction of Government, to alter and modify the stipulations contained in the licences held and engagements executed by licensed manufacturers, or vendors of spirituous or fermented liquors, taury, putchwye, or of intoxicating drugs, as may from time to time appear expedient, any thing in the existing Regulations notwithstanding; and any violation by such vendor or manufacturer of the stipulations specified or engagement executed by him, shall subject the party to the penalties prescribed for illicit sale.

All licences declared liable to resumption.

Proviso allowing an appeal to the Board of Revenue in such cases.

Fourth.—All licences as aforesaid shall at all times be resumable by the officer by whom they may have been granted, or by any other officer exercising similar or superior powers in the management or control of the Abkarry Department at the place or places to which the licence may apply: Provided, however, that if in any case a licence shall be resumed, or refused to be granted by the Collector of a district, or officer in charge of the abkarry mehal, and the party may consider himself aggrieved by the order passed by the Collector in his case, he shall be at liberty to appeal from the order of the Collector to the Board of Revenue, or other authority exercising the powers of that Board; and the Board or other authority aforesaid will confirm, modify or annul the said order as the circumstances of the case may appear to require. Provided further, that if a Collector, or other officer in charge of the abkarry mehal, shall cancel the licence granted to any retail vendor of spirituous liquors or intoxicating drugs, for any cause excepting for a breach of the peace, or a violation of any of the regulations or orders of Government, without previous notice of one month, the party whose licence may be cancelled shall receive such compensation for any damage he may thereby sustain, as the Board of Revenue, or other authority aforesaid, shall adjudge, on a consideration of the circumstances of the case; but no suit for the recovery of damages alleged to be sustained from the revocation of a licence by a Collector, or other officer in charge of the abkarry mehal, shall be entertained by any Court of Judicature. Provided likewise, that licences granted under the provisions of Regulation X. 1813, or Regulation XIII. 1816, of which the period may be limited to one year, and the corresponding engagements entered into by the vendors of spirituous liquors and intoxicating drugs, shall be required to be formally renewed from year to year; but if the person or persons holding such licence shall not give notice to the Collector, or other officer in charge of the abkarry mehal, fifteen days previous to the expiration of the year, according to the era current in the district, of his or their intention to relinquish it at the expiration of the year, and the licence be not revoked by the Collector or officer aforesaid, the licence held and engagement entered into by the party shall remain in full force, as if the said licence and engagement had been solemnly renewed.

Who may award a compensation to the party aggrieved, unless he has broken the peace, or violated any of the Regulations.

Courts of Justice prohibited from interference.

Fifteen days notice to be given in certain cases to the Collector, before the year expires, or in failure, the licence and engagement to remain in full force.

Board of Revenue declared competent to sanction the grant of leases of the duties leviable on the manufacture and sale of Spirits, &c. for such periods as may appear advisable.

VIII. *First.*—The Board of Revenue, and other authorities exercising the powers of that Board, are similarly declared competent under the restriction hereafter prescribed, to cause leases of the duties leviable on the manufacture and sale of spirituous or fermented liquors, taury and putchwye, and of intoxicating drugs, to be granted for such periods as they may deem advisable; such leases to be liable to be revoked by orders of the said Board, or other authority, or of the Governor General in Council, and compensation to be awarded in such case to the party, in the manner above prescribed for the case of the resumption of licences.

The existing rules for the recovery of arrears due by the vendors or manufacturers of Spirits, &c. declared equally applicable to the farmers of duties and their sureties.

Proviso entitling the farmers of duties to enforce the payment of arrears due to them.

Second.—The rules contained in Regulation XVII. 1814, relative to the recovery of arrears due from persons selling or manufacturing spirituous liquors, taury, putchwye or intoxicating drugs, shall be, and be considered equally applicable to persons to whom the duties leviable on the manufacture and sale of the said articles, or any of them, may be farmed, and to the sureties of such persons: Provided further, that the farmers of such duties shall be entitled to use, and cause to be enforced, the same means and process for the recovery of arrears due to them by the vendors and manufacturers of the article aforesaid, or any of them, within the limits of their respective farms, as zemindars, or other sudder malgoozars, do or may lawfully use and cause to be enforced for the realization of arrears of rent due by their under-tenants, subject to the same rules and restrictions as attach to such zemindars and sudder malgoozars in that behalf.

Licences or leases for more than five years declared invalid, unless sanctioned by the Governor General in Council.

IX. *First.*—No licences or leases for a period exceeding five years shall be held to be binding on Government, unless they shall have been granted with the sanction of the Governor General in Council.

Second.

Second.—The following rules are passed in modification of the provisions contained in Section III. Regulation X. 1813.

Third.—It shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, with the sanction of Government, to cause manufactories of the liquor denominated putchwye, or any other spirituous liquor or intoxicating drug, to which the system may be advantageously applicable, to be established in all or any of the districts subject to its authority, under the same rules and provisions as are prescribed in Regulation X. 1813, for the establishment and management of sudder distilleries, in so far as the same can be applied, and likewise with the said sanction, to make such alterations in and additions to the existing rules and provisions relative to the management of the said establishments as may from time to time be deemed expedient.

Board of Revenue empowered to authorize manufactories of Putchwye and other Spirituous Liquors, &c. to be established under the rules in force, in any district subject to its authority.

And to amend and alter such rules when necessary.

Fourth.—It shall and may be lawful for the Board of Revenue, or other authority exercising the powers of that Board, to direct the discontinuance of the sudder distillery or distilleries established under the provisions of the aforesaid Regulation, within any of the districts under their superintendence, whenever and so long as such a measure may appear to be expedient; and in such cases, and so long as the said distillery or distilleries may be discontinued, the general rules applicable to places beyond the limits of sudder distilleries shall apply to the sudder station of the Collector, Deputy or Assistant Collector, and its vicinity; the special provisions relative to sudder distilleries, and the places within limits thereof, being to the like extent, and for the like period, suspended.

Board of Revenue authorized to direct the discontinuance of established Sudder Distilleries, whenever such a measure may be deemed expedient.

Application of the general rules in such cases.

Fifth.—Provided also, that it shall and may be lawful for the said Board, or other authority aforesaid, to fix the limits within which the spirits manufactured at any sudder distillery are exclusively to be sold, and the special rules applicable to such distilleries, enforced in such manner as may in each case from time to time appear to be expedient, and wherever the special rules aforesaid may so cease, the manufacture and sale of spirituous liquors will of course become subject to the general provisions applicable to places beyond the said limits.

Board of Revenue empowered to fix the limits within which Spirits manufactured at a Sudder Distillery must be sold.

X. *First.*—If any British-born subject shall retail spirits or wines of any description in any place, of which the distance from the town of Calcutta may not exceed ten miles, without a licence duly granted to him, he, she or they, so offending, shall for every such sale forfeit the sum of sicca rupees five hundred, to be heard, adjudged and determined, according to the rules prescribed in Section XXXIII. Regulation II. 1802.

Penalty to which British-born Subjects are declared liable, for retailing Spirits or Wines at no greater distance than 10 miles from Calcutta, without a regular licence for so doing.

Second.—The rules contained in Sections XXI. XXII. XXIII. and XXIV. Regulation X. 1813, are hereby declared applicable to all persons, as well British born as others, who shall retail in any part of the provinces subordinate to this Presidency, at the distance of more than ten miles from Calcutta, spirituous liquors, or wines of any description, without a licence, as well as to all persons not being British born, who shall retail spirituous liquors of any description without a licence, in any place beyond the limits of Calcutta.

The existing penal Rules declared applicable to all persons (British born and others) who, without a licence, shall retail Spirits or Wines at any place distant more than ten miles from Calcutta. And to all persons not being British born, who, without a licence, may retail Spirits at any place beyond the limits of Calcutta.

XI. Foreign spirits, and spirits manufactured in this country, according to the European process, which may be found in transit without the proper pass, rowannah, or certificate attesting the payment of the import, or still-head duty, not being evidently designed for the immediate private use or consumption of the owner, shall be confiscated, and the owner or person in charge of the same shall be subject to the penalties prescribed in Regulation X. 1813, for the illicit sale and manufacture of spirituous liquors and intoxicating drugs; the said forfeiture and penalty to be adjudged and determined and enforced, according to the rules of the said Regulation, and other existing Regulations, relative to the adjudication and enforcement of fines and forfeitures for illicit dealings in spirits and intoxicating drugs. The same penalties shall attach to any person not being a licensed vendor, who may be found in possession of any quantity of spirits or intoxicating drugs, exceeding the quantity which licensed retail vendors can or may legally sell or allow to be removed from their shops. Provided, however, that the above rules shall not be considered to apply to liquors which individuals may have legally purchased for private use, and if the quantity may not exceed what the condition and circumstances of the party may render it probable that he should possess for that purpose.

Penalty on persons conveying away Foreign or other Spirits, not intended for private consumption, without a pass attesting the payment of the prescribed duties.

Proviso.

Certificates attesting the payment of the still-head duty to be granted by the Collector for one year only.

But an exchange Certificate for another year may be granted on application.

A fee to be paid on such renewal.

XII. *First.*—Certificates attesting the payment of the still-head duty shall be granted to all persons removing spirits from any established distillery, by the officer or officers entrusted with the collection of the same, or such person as he or they may appoint. Such certificates shall be in force for one year only from the date on which they may be granted, but the owner of the spirits covered by any certificate shall be entitled to an exchange certificate for another year, on applying to the officer in charge of the abkarry mehal, and satisfying him that the identical spirits are forthcoming, such certificate being renewable in like manner yearly. A fee at the rate of two per cent on the amount of the duty specified in the certificate, shall be paid to the officer granting a renewal of it.

Dealers in Spirits if desirous of dividing a dispatch of Spirits, entitled to receive parcel Certificates, on surrendering the original Certificate and furnishing satisfactory information.

A fee to be paid on such occasions.

Second.—Any dealer in spirits being desirous of dividing a dispatch of spirits, covered by a single certificate, into smaller quantities, shall be entitled to receive, from the officer in charge of the abkarry mehal, as many parcel certificates as he may require, on surrendering the original certificate, and satisfying the officer that the identical spirits therein referred to are forthcoming. A like fee of two per cent on the amount specified in the parcel certificates, shall be paid to the officer granting the same.

To what penalties persons in charge of Sudder Distilleries are subject, on being convicted of a fraudulent breach of trust.

XIII. *First.*—Any person entrusted with the charge of a sudder distillery, or in any manner employed by the Collector of the abkarry revenue, who may be convicted in the mode prescribed by Section XXII. Regulation X. of 1813, of any fraudulent breach of trust in the execution of his duty, shall be subject to the penalties prescribed by Section XXI. of the said Regulation.

Punishment to which Native Officers are subject on being convicted of conniving at the establishment of unlicensed shops.

Second.—Cutwals, darogahs of police, cutwals of military bazars, and other native officers invested with local jurisdiction, who may authorize, support, countenance or connive at the establishment of any unlicensed shop or shops, in any place subject to their control or influence, shall, besides being liable to dismission from office, be further subject, on conviction before the Magistrate of the zillah, to the payment of a fine not exceeding rupees five hundred: the fine, if not duly paid, shall be commutable to imprisonment for a period not exceeding six months.

Informers entitled to a moiety of the fine on the conviction of a Native Officer.

Penalty in cases where such information originates in malice, &c.

XIV. Any person giving information by which a native officer shall be prosecuted to conviction, shall be entitled to a moiety of the fine which may be levied from the offender. But should it appear on investigation that the information originated in malice, or in motives clearly vexatious and unwarrantable on the side of the informant, it shall be competent for the officer by whom the case may be tried, to impose such a fine as may appear to be reasonable, not exceeding, however, in any case, fifty rupees, or to order the offender to be imprisoned for a period not exceeding fifteen days.

Churrus allowed to be retailed under the same rules and restrictions as Ganja, &c.

XV. By Clause second, Section XV. of Regulation X. 1813, the sale of churrus is prohibited; but on a strict examination of that article it does not appear that it is of the noxious quality supposed, nor in any respect more prejudicial to health than ganja, or other intoxicating drugs, the sale of which has been allowed. It is therefore hereby declared, that churrus may be retailed in the same manner, and under the same rules and restrictions as ganja, and other intoxicating drugs.

XVI. *First.*—The following rule is enacted in lieu of Section XXX. Regulation X. 1813.

Punishment to which Proprietors and Managers of land are declared liable on being convicted of conniving at the illicit manufacture or sale of Spirits, intoxicating Drugs, &c. within their estates or farms.

Second.—If any proprietor, farmer, sezawul, tehsildar or other manager of land shall authorize or connive at the illicit manufacture or sale of spirituous liquors, taury, or intoxicating drugs, whether in a dry state or infused in water or other fluid, within the estate or farm held or managed by them, he shall, on conviction before the Collector of land revenue, or other officer in charge of the abkarry mehal, be liable to the payment of a fine not exceeding rupeees five hundred, commutable, if not paid, to imprisonment for a period not exceeding six months.

Such charges declared cognizable by the Collector, and to be investigated under the rules in force.

Third.—All charges of the nature specified in the above Clause are hereby declared cognizable exclusively by the Collector of land revenue or other officer in charge of the abkarry mehal, any thing in the existing Regulations to the contrary notwithstanding; and the investigation thereof shall be conducted under the rules contained in Section XXII. Regulation X. 1813. Provided, however,

Proviso against the issue of a warrant in such cases.

that the Collector or other officer aforesaid shall not in such cases issue a warrant for the apprehension of the person charged with the said offence, but shall proceed

in

in the manner prescribed in Section LXXXIV. Regulation XIII. 1816, in regard to persons accused of acts done in violation of the rules of that Regulation.

Fourth.—Provided further, that the rules and provisions contained in Sections LXXXI. LXXXII. LXXXV. LXXXVI. LXXXVII. LXXXVIII. LXXXIX. and XC. Regulation XIII. 1816, shall be held and considered applicable to all cases in which persons shall be accused before the Collector or other officer in charge of the abkarry mehal, of acts rendering them liable to any of the penalties prescribed in this Regulation or Regulation, X. 1813.

Further proviso as to the mode of proceeding on such occasions.

XVII. *First.*—In modification of the rule contained in Section XLI. Regulation XIII. 1816, it is hereby enacted, that it shall and may be lawful for the Governor General in Council to grant authority to such public officers, or other persons whatsoever, to seize and detain contraband spirits, opium, and other intoxicating drugs, and within such local limits as he may from time to time judge necessary or expedient.

Power reserved to Government for granting authority to public Officers and others to seize contraband Spirits, Opium, &c. within certain limits.

Second.—Whenever any person not vested with powers of seizure by the general Regulations may be especially authorized to seize, under the above rule, the arrangement shall be notified by an advertisement published in the cutcherry of the officer in charge of the abkarry mehal, and in the adawlut of the city or zillah within the jurisdiction of which the authority so given is to be exercised.

Mode of proceeding to be observed on such occasions.

XVIII. *First.*—Any person who shall directly or indirectly be concerned in, or who shall in any way cause, encourage, promote or advise the illegal cultivation of the poppy, shall be liable to the same penalties and forfeitures as are prescribed for the case of persons illicitly cultivating the poppy.

Penalty on persons concerned in encouraging or advising the illegal cultivation of the Poppy.

Second.—All native officers of Government, of whatever description, including chokeedars, pykes, or other officers of village police, are strictly enjoined to assist in preventing the illicit cultivation of the poppy, by giving instant information to the authority to which they are immediately subordinate, whenever it may come to their knowledge that any land has been illicitly so cultivated: and if any officer aforesaid shall neglect to give information as above directed, or shall in any respect connive at the illicit cultivation of the poppy, he shall be liable to the same penalty as prescribed for the case of police and abkarry darogahs permitting or conniving at the same, by Section XXXVI. Regulation XIII. 1816.

Native Officers required to assist in preventing the above offence.

Penalty in case of neglect of duty.

Third.—The like penalty shall attach to any putwaree who may neglect to inform the canoongoe of the pergunnah, or the Collector of the district, of the illicit cultivation of the poppy, whenever the same may come to his knowledge.

Similar penalty on Putwarees.

Fourth.—Provided further, that in all cases wherein any person or persons may be convicted of illicit dealings in regard to opium, if the forfeiture incurred shall not amount to the sum of five hundred rupees, the person or persons aforesaid, shall each of them forfeit to Government such further sum in addition to the prescribed forfeiture, as with the same may make the total penalty imposed amount to the said sum of rupees five hundred; the said penalty if not paid to be commutable to imprisonment for a period not exceeding six months.

Proviso in cases where the value of forfeited Opium may not amount to the full sum of the penalty incurred.

Fifth.—Any person or persons purchasing or receiving opium from a cultivator or other person, who may have entered into engagements for the cultivation of the poppy, or who may be employed in the provision of opium on account of Government, or bargaining for the purchase of opium with such cultivator, or other person aforesaid, or in any way causing, encouraging, or advising such cultivator or person to embezzle or illegally dispose of any opium, shall each and all of them forfeit to Government a sum equal to three times the penalty, prescribed in Section XLV. Regulation XIII. 1816, for the illicit purchase or possession of opium; viz. the sum of twenty-four and forty-eight rupees per seer on the quantity of opium purchased, bargained for, or designed to be illicitly disposed of, as the case may be: And in cases wherein the said forfeiture shall not amount to the sum of one thousand and five hundred rupees, the party or parties aforesaid shall each of them forfeit such further sum as with the forfeiture aforesaid shall make the total penalty imposed amount to sicca ruppees one thousand and five hundred; the said fines if not paid shall be commutable to imprisonment for a period not exceeding twelve months. In addition to the said penalties the offender shall be subject to imprisonment for the term prescribed in the aforesaid Section, for cases of illicit purchase or possession of opium.

Penalty on persons purchasing, bargaining for, or encouraging the embezzlement of Opium, through the medium of cultivators of the Poppy, or those employed in the provision of Opium, on account of Government.

Proviso in cases where the Opium illegally purchased or bargained for shall not amount to the sum of one thousand and five hundred Rupees.

Native Officers of Government required to suppress the illicit sale, purchase and possession of Opium, by every means in their power.

Sixth.—Native officers of Government, of every description, and especially all such officers in the districts within which or in the neighbourhood of which opium is manufactured on the public account, are hereby strictly enjoined to assist to the utmost of their power in the suppression of the illicit sale, purchase, importation, transportation or possession of opium, by seizing the same, if authorized to do so, or if not vested with the power of seizure, by giving immediate information to the authority to which they may be respectively subject, of all instances of such illicit sale, purchase, importation, transportation, or possession of opium, which may come to their knowledge; and any native officer aforesaid, who may connive at the illicit sale, purchase, importation, transportation or possession of opium, or who may neglect to give information in either of those cases, shall, on conviction before the Zillah or City Magistrate, (if the native officer be subordinate to them, or in other cases before the Collector of Land Revenue, or officer in charge of the abkarry mehal) be liable to a fine not exceeding eight sicca rupees for each and every seer so sold, purchased, imported, transported or possessed, with his knowledge or connivance, commutable in the event of its not being paid to imprisonment for a period not exceeding six months. And if the quantity of opium, so sold, purchased, imported, transported or possessed, cannot be ascertained, then and in that case the officer offending as aforesaid, shall be liable to a fine not exceeding one thousand rupees, commutable as aforesaid to imprisonment for a period not exceeding six months.

Penalty on being convicted of connivance, or neglect of duty.

Punishment for forcibly resisting a public Officer employed in the seizure of contraband Opium.

Seventh.—Any person who may by force or threats prevent an officer from effecting the seizure of any opium suspected to be contraband, or who may forcibly resist such officer in the execution of that duty, shall, in addition to the penalty prescribed for cases of connivance, be liable, on conviction before a Magistrate, to a fine not exceeding one thousand rupees. Parties so offending shall further be liable, in the event of an affray, or other breach of the peace, occurring in consequence of their resistance, to be punished under the general rules applicable to such cases.

Officers how to proceed in cases where they may apprehend opposition or resistance in making seizures of contraband Opium, &c.

Eighth.—It is hereby further declared and enacted, that if any officer authorized to attach opium, shall have seized, or be about to seize any dispatch of opium, on information on suspicion of its being contraband, or shall have effected, or be about to effect the attachment of the cattle, carriages or boats used in transporting such opium, and shall have reason to apprehend forcible resistance, such officer shall apply to the nearest darogah to aid him in the execution of his duty; and all darogahs, or other officers in charge of thannahs or chokies, to whom such application shall be made, or who may otherwise have reason to apprehend the occurrance of a breach of the peace in consequence of a seizure of opium, shall immediately afford the requisite aid to effect the seizure and preserve the peace.

Such seizures to be made at the sole risk and responsibility of the Officers seizing.

Ninth.—Such seizures shall be made on the responsibility and at the risk of the officers authorized to seize; and the police officers shall not be competent to exercise any discretion in regard to the propriety or otherwise of the seizure which they may be called upon to support, but shall be careful to prevent any unnecessary violence.

The Opium Agents of Behar and Benares empowered to exercise the Judicial powers vested in Collectors of Revenue by Regulation XIII. 1816.

XIX. *First.*—Whatever judicial powers are declared by Regulation XIII. of 1816 to be vested in the Collectors of Land Revenue, or officers in charge of the abkarry mehal, shall also belong to and be discharged by the opium agents of Behar and Benares, and their respective deputies, and the investigation of all suits, complaints or informations which may come before them for the recovery or any fine or penalty recoverable by Government or by the informer, on account of the illicit cultivation, manufacture, sale, purchase, importation, transportation or possession of opium, shall be conducted under the same rules as are in force for the guidance of the Collectors of Land Revenue, or other officers in charge of the abkarry mehal.

Subject to the control of the Board of Customs, Salt and Opium.

Second.—Provided, however, that the Board of Customs, Salt and Opium, shall exercise the same control over the opium agents of Behar and Benares, and their respective deputies (including Collectors of Land Revenue, when employed in the Opium Department), in the discharge of the duties entrusted to them under this Section, as the Board of Revenue are directed to exercise over the Collectors of Land Revenue, or officers in charge of the abkarry mehal, by Section XCVI. Regulation XIII. of 1816; and appeals from the judgment passed, or the acts done by the opium agents and their deputies, shall be preferred to the Board of Customs,

Customs, Salt and Opium, under the same rules and condition as are prescribed by Section XCVI. Regulation XIII. of 1816, in the case of appeals to the Board of Revenue from the judgment of Collectors of Land Revenue, or other officers in charge of the abkarry mehal.

Medical Officers when required by the Collectors and Agents, to regulate and class all confiscated Opium, under distinct heads.

XX. It shall be the duty of all medical officers who may be called upon by the Collectors of Land Revenue, or other officers in charge of the abkarry mehal, or by the opium agents of Behar and Benares, and their respective deputies, to report on the quality of any seized or confiscated opium, to class the same under one of the four following heads, &c.:

"Good Opium,"—by which is meant perfectly pure opium.

"Marketable Opium,"—or opium having one quarter of foreign matter in it.

"Inferior Opium,"—or opium having more than one half of foreign matter in it; or,

"Useless Opium,"—by which is to be understood, opium so adulterated as not to be fit for any of the ordinary purposes of the drug, medicinal, or otherwise.

Opium Agents not entitled to any share of rewards as heretofore for Opium seized and confiscated by their Officers, or under their orders.

Proviso as to the discontinuance of rewards to other Officers.

XXI. *First.*—The opium agents and their deputies shall not be entitled to any share of the rewards heretofore received by them for opium, which may have been attached or confiscated by their respective order, or by their respective officers; and, in further modification of the provisions of Regulation XIII. 1816, and XI. of 1818, relative to the rewards to be paid on the seizure and confiscation of contraband opium, the following rules are enacted. Provided also, that it shall be competent to the Governor General in Council, by an order in council, to discontinue the payment of the said rewards to any other officers, being covenanted servants of the Company, and to modify the distribution thereof in such manner as may from time to time appear expedient.

Specification of rewards to be paid to Informers and Native Officers concerned in the seizure of "Good" Opium.

Second.—In case any attachment of illicit opium shall be made on information, and the opium shall be confiscated, the person or persons on whose information the same may have been seized, shall be entitled, provided the opium is declared by the Civil Surgeon of the station to be "good," to a reward calculated at the rate of one rupee eight annas per seer of 82 sicca weight on the opium so confiscated; and the native officer or officers of Government, who, upon such information, made the attachment, or were immediately concerned in making it, shall be entitled to a similar reward. If the seizure of such opium shall have been made exclusively by the officer or officers of Government, and not upon information given by any other person, such native officer or officers shall be entitled to a reward at the rate of three rupees per seer of 82 sicca weight in the opium which may have been seized and confiscated.

Rewards for the seizure of marketable Opium.

Third.—If the opium shall be declared marketable, the informer or informers shall be entitled to a reward of twelve annas per seer of 82 sicca weight on the quantity of opium seized and confiscated; and the native officer or officers who seized it upon such information, to a similar reward. In case the seizure of such opium shall have been made exclusively by the officer or officers of Government, and not upon information, such officer or officers shall be entitled to a reward of one rupee eight annas per seer of 82 sicca weight on the quantity of opium which may have been seized and confiscated.

Rewards for the seizure of inferior Opium.

Fourth.—If the opium shall be pronounced "inferior," the informer or informers shall receive a reward of ten annas per seer on the quantity confiscated; and the seizer or seizers of the opium on such information shall be entitled to a reward at the same rate.

In the foregoing cases Informers to receive a moiety, and Native Officers a fourth, of all fines and of the proceeds of Boats, Carriages, Cattle, &c. seized with contraband Opium.

Fifth.—In either of the three foregoing cases, that is to say, whenever opium shall be seized and confiscated, which is declared by the medical officer to be either good, marketable, or inferior, the persons on whose information the same may have been seized, shall receive one half of any fine which may be levied in consequence, and a moiety of the amount proceeds of the sale of any boat, carriage or other vehicle, bullock or other beast of burthen, box, chest or other package, which may have been seized with it; and the native officer or officers who seized it upon such information, to one fourth of the fine that may be levied, and a similar proportion of the amount proceeds of the confiscated article that may have accompanied it. If the seizure shall have been effected exclusively by the officers

But if the seizure is effected by Native Officers without the

intervention of an Informer, such Officers to receive three fourths of the fines and proceeds.

officers of Government, and not upon information, such officer or officers shall receive, besides the rewards above assigned to them, three fourths of any fine levied in consequence of the seizure, and an equal proportion of the amount proceeds of the sale of the boat, carriage or other vehicle, bullock or other beast of burthen, box, chest or other package, which may have been seized and confiscated.

No reward to be given for the seizure of useless Opium.

Sixth. — No reward shall be payable on opium declared to be useless which may be seized and confiscated.

Collectors, &c. how to proceed to compel payment of fines under this Regulation.

XXII. Whenever any party shall have been subjected to a fine under the provisions of this Regulation, it shall be competent to the officer by whom the fine may have been adjudged, in the event of its not being immediately discharged, not only to transmit the party fined to the Judge of the Dewannee Adawlut, in order that he may be confined as already provided for, but likewise to have recourse to the attachment and sale of any personal property belonging to the party; and in the event of the amount of the fine not being liquidated by the sale of such personal property, recourse shall then be had to the sale of any real property which may belong to the party, under the rules for the sale of lands in liquidation of arrears of revenue.

Opium Agents and their Deputies empowered to punish their Native Officers, &c. for neglect of duty or acts of oppression.

XXIII. *First.*—It is hereby enacted, that it shall and may be lawful for the opium agents and deputy opium agents, subject to the orders of the Board of Customs, Salt and Opium, to punish any of the native officers belonging to their establishments, as well as muhtoes and other intermediate managers between the officers of Government and the opium ryotts, for any neglect or breach of duty, or any act of oppression which may not appear to be such as to require the interposition of the Magistrate or Criminal Courts, by a moderate fine, not exceeding in any case fifty rupees, and commutable, if not paid, into imprisonment in the dewanny gaol for a period not exceeding one month.

And to recover balances due by Opium cultivators, &c. by a distraint and sale of Lands, with such powers as are vested in the Collectors of the Land Revenue.

Second.—Provided also, that it shall and may be lawful for the opium agents and deputy opium agents, with the sanction of the said Board, to recover any balances or sums of money due by any opium cultivator, or by any of the subordinate officers of the factory, or by any muhtoo or intermediate manager, or by the surety of such cultivator, officer or manager aforesaid, by the process of distraint and sale, in the same manner, and with the same powers as Collectors of the Land Revenue are authorized to exercise in distraining for the recovery of rents due by ryotts and other tenants in estates held khas.

SPECIAL RULES FOR CALCUTTA.

Unlicensed persons residing in Calcutta prohibited from having in their possession more than a pound of foreign Opium, unless under a Certificate from the Secretary to the Board of Customs, Salt and Opium.

XXIV. *First.*—With a view of better securing the duty imposed on the importation of foreign opium by sea, under the rules of Regulation XVI. of 1817, it is hereby enacted, that no person not being specially licensed by the Collector of Sea Customs in Calcutta, or by the Board of Customs, Salt and Opium, shall, within the city of Calcutta, have in his possession more than one pound of opium at a time, without a certificate from the Secretary to the said Board, evidencing that the same has been regularly imported by sea, and paid the duty prescribed in such case, or that it has been purchased at one of the sales held on the public account in Calcutta; and any opium exceeding one pound in quantity, which may be found without such a document to protect it, or which may disagree in any respect with the certificate in the possession of individuals not being licensed as aforesaid, shall be forfeited to Government, and shall be seized by or under the warrant of the said Collector, or any of the Magistrates of Calcutta, and the person or persons in whose possession it was found shall forfeit to Government a sum equal to three times the amount of the duty imposed on the importation of the article by sea under the regulation aforesaid.

Penalty in cases where more than a Pound of foreign Opium is discovered without such a Certificate to protect.

What such Certificates are to contain, and by whom to be Registered.

Second.—The certificates directed to be issued by this Regulation from the Office of the Board of Customs, Salt and Opium, shall contain, besides such other particulars as to that authority may appear fit, the name of the holder, the quantity of the drug, and purpose for which it is allowed to be retained; the number of the lot or lots as per sale book, if purchased at the Calcutta sales, with the number and mark on each of the chests; the cost of the opium per chest, and the

date

date of the sale: and in the event of its having been imported by sea, the date and number of the opium as entered in the Import Registry Book of the Custom-house, the name of the importer, and of the ship in which it was imported; and each certificate so issued shall be separately registered by the Secretary to the Board aforesaid, and shall bear the signature of that officer in evidence of its authority.

Rule to be observed by persons applying for permission to export by sea Opium covered by a Certificate.

Third.—In case it shall be required to export by sea any opium so covered by a certificate, it shall be the duty of the exporter to surrender the certificate at the time of his making his export application to the Collector of Sea Customs, and any Opium passed or attempted to be passed for exportation by sea without a certificate, or which may not correspond with the certificate, shall be forfeited as aforesaid; and the person or persons in whose possession it may be found shall be liable to the penalty prescribed in the first Clause of this Section, for the case of the illicit possession of opium generally in Calcutta.

Penalty for an infringement of such Rule.

Certificates to be in force for one year only.

Fourth.—Certificates issued under the above rules shall be in force for one year only from their date; provided, however, that it shall be competent to the Board of Customs, Salt and Opium, to authorize their renewal for another year, and so on successively, as often as they may think proper, in the event of their being produced before the expiration of the period for which they may respectively be current. Certificates which have exceeded the term of their currency shall be considered as wholly null and void, and shall in no degree protect any opium which they may accompany.

But if produced before the expiration of the year, may be renewed at the discretion of the Board.

Unrenewed Certificates, after the lapse of a year, to be considered null and void.

A. D. 1824. REGULATION VIII.

A REGULATION for rescinding Regulation IV. of 1813, for determining the Rates of Toll to be levied on Boats, Rafts, Timbers, and the like, passing through the Bhagaruttee, Jellinghee, Issamuttee, Matabhangah, and Choornee Rivers, and for providing for the better collection of the Toll, and for the secure Navigation of the aforesaid and other Navigable Rivers:—Passed by the Governor General in Council on the 8th April 1824; Corresponding with the 28th Cheyte 1230, Bengal era; the 24th Cheyte 1231, Fussily; the 29th Cheyte 1231, Willaity; the 9th Cheyte 1881, Sumbut, and the 7th Shaban 1239, Higeree.

Preamble.

WHEREAS the rules contained in Regulation IV. 1813, relative to the collection of Tolls on Boats passing through the Canal therein specified, have been found to be defective: And whereas from the extent of the changes which annually occur in the course of the Ganges, and in the streams which branch off from it, it appears to be necessary, for the purpose of keeping open a direct channel of communication between the Hooghly and that River, that the measures heretofore pursued in regard to the Issamutty, Matabhangah and Choornee, should be extended to the Bhagaruttee and Jellinghee Rivers, and that in all these streams further means should be adopted for removing the obstructions by which the passage through them is impeded: And whereas an Officer has been specially appointed to conduct the operations requisite for the above purpose, and generally to consider and give effect to the measures necessary for facilitating the Navigation of the Rivers above mentioned: And whereas the arrangements in question have occasioned and must necessarily occasion a considerable annual expense, to defray which it is reasonable and proper that a moderate Toll should be levied on all boats, timbers and the like, passing through the said streams: And whereas it is necessary to make provisions for the collection of the toll in such manner, as with reference to the varying circumstances of the rivers in question, may from time to time appear best calculated to secure the public convenience: And whereas it is expedient to vest the officer aforesaid, and other officers exercising similar functions, with such powers and authority as may enable him promptly to remove all trees, timbers, sunken boats, or the like, by which the navigation of the rivers and streams aforesaid, and other navigable rivers and streams, may be or be likely to be impeded, to prevent all artificial impediments, and so to guard against all accidental causes of obstruction, as best to

provide for the convenience and safety of all persons passing through the said streams; the following Rules have been enacted to be in force from the date of their promulgation.

Regulation IV. 1813, rescinded.

II. *First.*—Regulation IV. of 1813, is hereby rescinded.

Tolls at specified rates to be levied by an Officer of Government, under the control of the Board of Revenue, on all boats, timbers, rafts, floats, &c. passing through the Bhagaruttee, Jellinghee, Issamutty, Matabhangah, and Choornee Rivers.

Second.—Tolls, at the rates specified in the Schedule N° 1, annexed to this Regulation, shall be levied on all boats, timbers, bamboos, rafts, floats, and the like, passing through or within the rivers mentioned in the preamble, at such stations or places as the Governor General may by an order in council from time to time direct. The said tolls shall be levied by such officer or officers as the Governor General in Council may appoint to collect the same; and the officer or officers so appointed shall act under the immediate controul and direction of the Board of Revenue for the Lower Provinces.

Collectors of Tolls to be assisted by establishments of Native Officers, and to exercise powers similar to the Collectors of Land Revenue in the appointment, removal and punishment of their subordinate Officers.

III. The Collectors of Tolls shall be assisted by such an establishment of native officers as the Government may deem necessary, and in regard to the nomination, appointment, removal or punishment of such officers, the Collectors shall be guided by the provisions of the existing Regulations which define the authority to be exercised in these matters by the Collectors of the Land Revenue; and all rules contained in the existing Regulations applicable to officers entrusted with the charge of public money or records, shall be held to be applicable to the subordinate officers on the Collector's establishment who may be so entrusted.

Tolls to be levied on all boats entering or returning by the rivers specified, and whether laden with imported or exported goods.

IV. The said tolls shall be levied on all boats, whether entering into or returning by the aforesaid rivers, and whether freighted with articles to be imported or exported.

Rule to be observed in determining the tonnage of boats, &c. on which the authorized Tolls are to be levied.

V. In order to obviate the delay which must be created, if boats liable to tolls, varying according to their burthen, were detained for the purpose of minutely ascertaining their exact capacity, the following rule for determining the tonnage according to which the authorized tolls are to be levied, has been prescribed, and is henceforward to be observed.

Boats not exceeding 50 maunds to be rated as 25 maunds burthen, and pay toll accordingly.

First.—Boats of a burthen not exceeding 50 maunds, shall be rated as of 25 maunds burthen, and shall pay the toll appointed for boats of 25 maunds tonnage.

Boats above 50 and not exceeding 75 maunds to be rated at 50, and pay the prescribed toll.

Secondly.—Boats of a burthen above 50 maunds, and not exceeding 75 maunds, shall be rated as of 50 maunds burthen, and shall pay the toll appointed for boats of 50 maunds.

Boats above 75 and not exceeding 100 maunds to pay toll for 75 maunds, and so on progressively. On the Tonnage exceeding 50 maunds; the allowance to extend to 50 maunds; and on boats of above 1,000 maunds, the toll on 100 maunds to be relinquished.

Thirdly.—Boats of a burthen above 75 maunds, and not exceeding 100 maunds, shall be rated as of 75 maunds burthen, and pay the toll appointed for boats of 75 maunds, and so on until the tonnage shall exceed 500 maunds, when the allowance shall extend to 50 maunds; and on boats exceeding 1,000 maunds in burthen, the toll chargeable on any portion of 100 maunds shall be relinquished in the manner shown in the Schedule N° 2, annexed to this Regulation.

No fleet of boats or rafts to float at one time more than 20 timbers through any of the rivers specifically named.

VI. *First.*—No fleet of boats or rafts carrying or floating wood or timbers, exceeding twenty in number, shall pass or enter at one and the same time into, through, or within the aforesaid rivers.

Nor more than twelve timbers by a single boat or raft.

Nor more than six timbers between the 1st December and 1st July.

Second.—No boat or raft carrying or floating a greater number than twelve timbers, shall at any time be permitted to pass into or through the aforesaid rivers; Provided also, that it shall not be lawful for any boat or raft carrying or floating more than six timbers to enter the aforesaid rivers, between the 1st of December and the 1st of July.

Penalty for infringing any of the above rules.

Third.—For every timber which shall be floated, or carried into or through the aforesaid rivers, in violation of any of the rules or restrictions herein appointed, the owner thereof shall forfeit to the Government the sum of ten rupees each timber, besides being subjected to the payment of the prescribed toll on the same; and it shall and may be lawful for the Collector to detain and distrain such a number of boats, timbers, rafts, bamboos, floats, and the like, or such a portion of their freight until the sum due, whether on account of toll or penalty, or both, shall have

Collector empowered in certain cases to detain boats, rafts, &c. until the toll or penalty demandable

have been liquidated, as he (the Collector) shall or may judge sufficient to defray the amount tolls or penalties demandable; and further, the Collector shall require the person in charge of the said boats, timbers, rafts, bamboos and floats, and the like, to make arrangements for the transit of the same, in conformity with the rules and the restrictions contained in this Regulation, and shall detain them for that purpose, until those arrangements will have been made.

thereon shall have been liquidated.

Fourth.—Whenever any boats, timbers, rafts, bamboos and floats, and the like, are detained for any of the reasons above stated, the Collector shall without delay make a full report of the circumstance to the Board of Revenue, and shall immediately publish a proclamation, appointing a day for the sale of the articles liable to sale, not being less than fifteen days from the date on which the proclamation may be promulgated: but no sale shall be held, until the authority and sanction of the Board of Revenue for the same shall have been previously obtained; and if it be in any case necessary to postpone the day of sale, the Collector is authorized to do so, provided that not less than fifteen days notice of the time appointed shall invariably be given.

Collector in such cases to report to the Board of Revenue and notify the sale of the articles by proclamation after an interval of 15 days.

No sale to take place until authorized by the Board of Revenue.

VII. If any person shall attempt to pass free of toll any boat, raft, timber, bamboo, float or the like, after having been boarded by the Collector's toll or chokey-boat, such boat, timber, raft, bamboo, float and the like, shall be liable to detention, until a penalty of ten times the amount of the toll leviable shall have been paid, or shall have been levied by the summary process provided for in the preceding Clause.

Penalty for attempting to pass boats, &c. free of toll after having been boarded by the Collector's toll boat.

VIII. *First.*—An officer having been appointed by Government, under the designation of Supervisor, to superintend the operations and works necessary to be undertaken and executed for the prevention and removal of all obstructions, by which the free and safe navigation of the rivers specified in the preamble of this Regulation are or may be impeded, the following rules are enacted for the purpose of defining the duties and powers of the said Supervisor, and the same rules shall apply to any other officer or officers who may be appointed to perform similar duties on any of the said rivers, or on any other navigable rivers or streams, within the provinces subordinate to this Presidency. Provided also, that it shall be competent to the Governor General in Council, by an order in council, to vest the supervision of the said rivers, or such portion of them as may seem fit, in any of the Collectors hereinbefore mentioned, or in any other officer whom he may judge it expedient to appoint.

Rules for defining the duties and powers to be exercised by the Supervisor of Rivers.

Proviso for investing Collectors with similar powers.

Second.—The Supervisor shall ordinarily act under the orders and directions of the Board of Revenue for the Lower Provinces, but it shall be competent to the Governor General in Council, by an order in council, to vest the control over him in any other board, committee, officer or officers, as may from time to time appear to be expedient.

Supervisor to act under orders from the Board of Revenue for the Lower Provinces, unless otherwise directed by Government.

Third.—The Supervisor shall be competent, under the provisions hereafter detailed, to cut down and remove any tree or trees, which may have fallen or be likely to fall into the said rivers, to remove sunken boats, or rafts of timber or of bamboos, and other nuisances or obstructions to navigation, of whatever denomination, together with all bandells or other contrivances for fishing, which may tend to obstruct or hinder the navigation of the same, whenever he shall be fully satisfied, after due local inquiry, that the continuance of such tree or trees, sunken boats, or rafts of timber, or bamboos or bandells, or the like, are or are likely to be seriously prejudicial to the free and safe navigation of the aforesaid rivers.

And empowered to cut down and remove trees, sunken boats, rafts of timber, and other obstructions to the navigation of the rivers.

Fourth.—All trees, or other things, which shall have fallen, or may hereafter fall into any of the rivers or streams mentioned in the preamble of this Regulation, or into any other navigable river or stream, so as to endanger or materially impede the navigation thereof, shall be removed as soon as possible by the Supervisor or other officer empowered by Government in that behalf; and the Supervisor, or other officer aforesaid, is hereby authorized to hew, split, demolish, destroy, or otherwise dispose of all such trees or other things in such manner as the Board of Revenue, or other controlling authority may direct.

How such trees, &c. are to be disposed of.

Fifth.—In all other cases where it may appear to be necessary to remove any tree, or other obstruction of the nature specified in the second Clause of this Section, excepting as hereinafter excepted, it shall be the duty of the Supervisor or other

Cases in which before the removal of trees, &c. the Supervisor is to serve the Proprietor with a

notice, or to require the removal by a notification.

other officer aforesaid, in the first instance, to endeavour to ascertain the owner of the tree or other thing which he may propose to remove as aforesaid, and to cause notice to be served on him, requiring the removal of the same within a reasonable period to be specified in the notice. If the owner aforesaid shall be absent or unknown, a notification to the above effect shall be stuck in some conspicuous place in the nearest village.

Owners neglecting to remove trees, &c. after due notice given, the same to be removed and disposed of by the Supervisor.

Sixth.—If, after notice has been given as aforesaid, the owner of the tree or other thing required to be removed shall not remove the same within the period fixed by the Supervisor, it shall be competent to that officer to cause its removal at the public expense, or in cases which such an arrangement shall appear advisable, to dispose of it by public sale, subject to the condition of its being removed, and with such further stipulations as may be deemed proper.

Supervisor may remove trees, &c. in cases of emergency without giving previous notice.

Proviso as to the mode of proceeding in such occasions.

Seventh.—In cases of emergency, wherein it may appear to the Supervisor or other officer aforesaid, that any delay in removing the tree or other thing to be removed, would be attended with serious risk or inconvenience, it shall be competent to him to cause the same to be forthwith removed, without any previous notice as above directed. Provided, however, that in such cases if the thing to be removed be other than a tree actually fallen into the stream, the Supervisor or other officer aforesaid, shall as soon as possible cause intimation to be given to the owner, or (he being absent or unknown) a notification to be stuck up in the nearest village; and he shall at the same time make an immediate and full report of the case to the Board of Revenue, or other controlling authority.

Provision under which buildings, trees, &c. contiguous to rivers may be purchased on account of Government.

Eighth.—Provided further, that whenever it may appear necessary for the safety and convenience of the community, that any buildings, trees, or other property on or in the vicinity of a navigable river or stream, though not likely to fall into the stream, should be removed or appropriated to the public use, it shall be competent to the Governor General in Council to direct the same to be taken and purchased on account of Government, under the rules contained in Regulation I. 1824.

The proceeds of boats, trees, &c. sold under Clause IV. Section VIII. to be paid to the owner.

IX. *First.*—Whenever any tree, boat, timber, or other thing obstructing or likely to obstruct the navigation of any of the rivers or streams specified in the preamble of this Regulation, or of any other navigable river or stream, may be sold subject to the condition of its being removed, under the provision contained in Clause IV. Section VIII. of this Regulation, the net produce of the same shall be paid to the owner.

Or the owner may receive such boats, trees, &c. on paying salvage to the Supervisor within such period as the Board of Revenue may fix.

Second.—When any of the things aforesaid shall be removed, or recovered by, or under the orders of the Supervisor, or other officer duly empowered in that behalf, under the provisions of the said Clause and Section, then if the owner shall pay to the Supervisor, or officer aforesaid, within a period to be fixed by the Board of Revenue, or other controlling authority, the expense incurred in the removal or recovery thereof, with such a charge for salvage as the Board, or other authority aforesaid may adjudge, the same shall be given up to the owner or his authorized agent. Provided also, that whenever, after due notice for such a period as the Board of Revenue may have directed, no person shall within the period appointed tender reimbursement of the charge incurred in the recovery of property rescued, together with the amount of salvage which the Board of Revenue may adjudge, the Supervisor shall be authorized to sell such property at public sale, and to defray out of the proceeds the expense incurred in the recovery of the same, with the salvage adjudged as aforesaid: the surplus to be deposited for the benefit of the owner in such treasury as the Board of Revenue may direct.

Proviso empowering the Supervisor to sell the property, in case reimbursement be not made.

All bandells, or contrivances for fishing, tending to obstruct the free navigation of rivers, prohibited.

X. No bandells or contrivances for fishing, or for any other purposes which may tend to obstruct the free navigation of the rivers and streams referred to in this Regulation, or other navigable rivers and streams, for the supervision of which the Governor General in Council may deem it necessary to provide, shall be allowed or permitted.

Supervisor how to proceed on the removal of, or prohibiting the fixing of bandells, &c.

Whenever the Supervisor, with the approval of the Board of Revenue, or other controlling authority, shall have removed any bandell or other contrivance for fishing, which may have been fixed or sunk at any place in the said rivers, to the obstruction of navigation, or shall have prohibited the fixing or sinking of any obstruction within any specified limits, then if any person shall replace the bandells or other contrivances removed as aforesaid, or shall sink or fix any such in opposition to the prohibition of the Supervisor, the bandells or other contrivances for fishing so

Punishment in case of opposition to the Supervisor's orders.

replaced

replaced, or fixed or sunk, shall be destroyed, and the party offending shall be liable to such punishment, not exceeding a fine of fifty rupees, or, in dafault of payment, imprisonment without irons in the debtor's gaol for one month, as the Magistrate of the district may judge adequate to the offence: Provided, however, that if the offender shall have used violence, or been guilty of any breach of the peace, he shall on conviction, besides any further punishment to which he may be subject under the general laws and regulations, be liable to imprisonment in the criminal gaol, with hard labour for a period not exceeding three months, and shall be required, at the discretion of the Magistrate, to furnish adequate security for keeping the peace.

Further punishment in cases where offenders have committed violence, or have been guilty of breaking the peace.

XI. *First.*—Any person who may by force or threats prevent the Collector, Supervisor, or any of his or their officers from fulfilling the duties assigned to them by this Regulation, or who may forcibly resist them in the execution of those duties, or who may advise or encourage such resistance, shall be liable on conviction before the Foujdaree Court of the district or city, to the penalties prescribed for the offence of resisting the process of a Magistrate. Parties so offending shall further be liable in the event of an affray, or other breach of the peace occurring in consequence of their resistance, to be punished under the general rules applicable to such cases.

Punishment to which persons are declared liable for opposing or resisting the Collector or Supervisor, or preventing them or any of their Officers from fulfilling the duties assigned to them.

Second.—If the Collector, Supervisor, or other officer aforesaid, shall in any case have reason to apprehend forcible resistance, he shall apply to the nearest darogah to aid him in the execution of his duty, and all darogahs, or other officers in charge of thannahs or chokees, shall on such requisition being made, or its appearing to be otherwise necessary, immediately afford the requisite assistance, under pain of dismissal from office, and such fine, not exceeding two hundred rupees, as the Magistrate may adjudge; commutable if not paid to imprisonment in the dewanee gaol for a period not exceeding three months. Provided also, that if any zemindar, talookdar or other proprietor, farmer of land, or the naib gomashtah, or other local agent, if such proprietor or farmer shall wilfully permit any one to resist the Collector, Supervisor, or other officers aforesaid, within the village or lands occupied or managed by him, such zemindar or other person aforesaid shall be liable on conviction before the Magistrate, to a fine not exceeding two hundred rupees, commutable as aforesaid.

Collector or Supervisor how to proceed in cases when forcible resistance is apprehended.

Proviso as to the punishment to which proprietors and farmers of land are liable for conniving at resistance to the Collector, &c.

XII. The Collector, Supervisor, and their native officers, duly authorized by him, shall be authorized to arrest and deliver over to the nearest police darogah, or other police officer authorized to receive criminal complaints, any person or persons guilty of any of the offences stated in the two preceding Sections of this Regulation, for the purpose of their being forwarded to the Magistrate: and all police officers aforesaid are hereby required, subject to the provisions hereinafter specified, to receive and safely to forward to the Magistrate of the jurisdiction, within twenty-four hours, all offenders so delivered over. Provided always, that the Supervisor or his officers shall give at the same time a written requisition to that effect, duly attested and dated, specifying the name of the offender, the nature of the offence, and engaging that a full report shall be transmitted to the Magistrate, and that all other necessary measures for the conduct of the prosecution shall be taken within ten days from the date on which the offender or offenders shall have been apprehended. Provided also, that in such cases, if the party accused shall tender sufficient bail for appearance before the Magistrate, and shall not have been guilty of any offence which by the general Regulations is not bailable, the darogah or other officer aforesaid shall accept the bail and release the party.

Collector or Supervisor, &c. empowered to seize and deliver over to the Police Officers all offenders described in the two preceding Sections.

Supervisor, &c. to give a written statement descriptive of the offence and the offender, and to engage to furnish the Magistrate with a full report on the case.

Proviso for admitting the accused to bail if the offence charged be of a bailable nature.

XIII. No person shall be detained in custody by a Magistrate under the provisions of Section XII. of this Regulation, beyond the period of ten days, if during that period the Supervisor shall not have preferred his complaint, and pursued the necessary measures for the furtherance of the prosecution in the prescribed manner.

Magistrates not to detain persons in custody beyond ten days, if the Supervisor has not previously followed up his complaint in the prescribed manner.

XIV. Any individual who may consider himself aggrieved or injured by any order of the Board, or by any act of the Supervisor, or by his people, in the execution of their public duty under the authority vested in them by this Regulation, shall be at liberty to institute a suit against one, or either, or all of them, in the Dewanny Adawlut of the city or district in which the imputed injury shall have occurred; and in all such cases the Judge of the city or district shall forward such petition or plaint to the Board of Revenue, or other controlling authority, who, together with the Zillah and City

Persons conceiving themselves aggrieved by any order of the Board, or by any act of the Supervisor, &c. allowed the option of instituting a suit in the Dewanny Adawlut against one or all of the authorities.

Judge, how to proceed in such cases.

City Judges, are hereby required in the conduct of such cases to conform to the rules and provisions contained in Regulation II. of 1814. Provided, however, that if the Supervisor or other officer shall not have exceeded the power and license vested in him by this regulation, no suit or plea shall be entertained by any of the Courts of Justice, on the ground that the removal of any tree, boat, timber, raft, bamboo, float, or other thing of the description specified in Clause second, Section VIII. of this Regulation, was not necessary for the furtherance of the free navigation of the rivers herein mentioned, save and except in cases wherein valuable trees may have been cut down; and it shall be proved after sufficient experience, that there was not any reasonable probability that the land on which they grew would be carried into the river, within the period of one year from the date of their being cut. Provided also, that if in any case the Collector, Supervisor, or other officer aforesaid, shall have tendered to the plaintiff an adequate indemnification, the sum so tendered shall be received by the Court for the plaintiff, who shall be nonsuited with costs.

Proviso against the receipt of suits where the Supervisor, &c. may not have exceeded his authority.

Further proviso in cases where valuable trees are cut down without reasonable cause.

Plaintiff to be nonsuited with costs, if it be proved that the Collector or Supervisor has tendered adequate indemnification.

XV. The Supervisor shall be entitled to direct the Vakeel of the Government to conduct all criminal prosecutions instituted by him, under the provisions of this Regulation, and to defend all civil actions authorized to be defended by the Board of Revenue, or other controlling authority; and the Collectors of Revenue are hereby authorized to supply the Vakeel of Government, on application from the Supervisor, with the stamp paper which may be required for the purposes aforesaid.

The Supervisor authorized to employ the Vakeel of Government in the conduct of all criminal prosecutions and civil actions instituted under the provisions of this Regulation.

Stamp paper in such cases to be supplied on the Supervisor's application.

SCHEDULE, N° 1.

SCHEDULE of TOLLS chargeable on all Boats, Timbers, Bamboos, Rafts and Floats, and the like, passing into or through the Rivers and Streams specified in the preceding Regulation.

1st.—Pinnaces of ten oars, and under that number	5 rupees each.
Ditto - - ditto - exceeding ten oars	8 ditto - ditto.
2d.—Budgerows of ten oars, and under that number	3 ditto - ditto.
Ditto - - ditto - exceeding ten oars	6 ditto - ditto.
3d.—Bauleahs, cutters, and boats for personal accommodation, not being of the description above specifically defined, and pulwars, paunsways, and baggage-boats	4 annas per oar.
4th.—Empty boats, and boats laden with bricks, tiles, or other earthen substance baked, or otherwise	2 annas per 100 maunds tonnage.
5th.—Boats laden with quick-lime (chunam), straw, fire-wood, gran-sticks, thatching grass, or such like	8 annas per 100 maunds tonnage.
6th.—Boats laden with grain, pulse, seed or vegetables of whatever description, and indigo seed	12 annas per 100 maunds tonnage.
7th.—Boats of burthen, freighted with timbers and bamboos, or with any article not included in the above enumeration	1 rupee per 100 maunds tonnage.
8th.—Timbers, whether chowkars or dhokars, if floated on rafts or otherwise, not being on boats	8 annas each timber.
Unwrought timbers, called ghole, if floated as above	5 annas each timber.
Rafts floating 200 bamboos, or less	8 annas.
Ditto - ditto, more than 200, but not more than 400	12 annas.
Ditto - ditto, more than 400, but not more than 1,000	5 rupees.
Ditto - ditto, more than 1,000	10 rupees.

SCHEDULE, N° 2.

TABLE for Adjustment of TONNAGE and Rates of TOLLS.

TONNAGE, or Measurement of the Boat, in Maunds not exceeding	No. of MAUNDS upon which the Toll is leviable.	TOLLS. At One Rupee per 100 Maunds.			At Twelve Annas per 100 Maunds.			At Eight Annas per 100 Maunds.			At Two Annas per 100 Maunds.		
		Sa. Rs.	A.	P.	Sa. Rs.	A.	P.	Sa. Rs.	A.	P.	Sa. Rs,	A.	P.
50	25	0	4	0	0	3	0	0	2	0	0	0	6
75	50	0	8	0	0	6	0	0	4	0	0	1	0
100	75	0	12	0	0	9	0	0	6	0	0	1	6
125	100	1	0	0	0	12	0	0	8	0	0	2	0
150	125	1	4	0	0	15	0	0	10	0	0	2	6
175	150	1	8	0	1	2	0	0	12	0	0	3	0
200	175	1	12	0	1	5	0	0	14	0	0	3	6
225	200	2	0	0	1	8	0	1	0	0	0	4	0
250	225	2	4	0	1	11	0	1	2	0	0	4	6
275	250	2	8	0	1	14	0	1	4	0	0	5	0
300	275	2	12	0	2	1	0	1	6	0	0	5	6
325	300	3	0	0	2	4	0	1	8	0	0	6	0
350	325	3	4	0	2	7	0	1	10	0	0	6	6
375	350	3	8	0	2	10	0	1	12	0	0	7	0
400	375	3	12	0	2	13	0	1	14	0	0	7	6
425	400	4	0	0	3	0	0	2	0	0	0	8	0
450	425	4	4	0	3	3	0	2	2	0	0	8	6
475	450	4	8	0	3	6	0	2	4	0	0	9	0
500	475	4	12	0	3	9	0	2	6	0	0	9	6
550	500	5	0	0	3	12	0	2	8	0	0	10	0
600	550	5	8	0	4	2	0	2	12	0	0	11	0
650	600	6	0	0	4	8	0	3	0	0	0	12	0
700	650	6	8	0	4	14	0	3	4	0	0	13	0
750	700	7	0	0	5	4	0	3	8	0	0	14	0
800	750	7	8	0	5	10	0	3	12	0	0	15	0
850	800	8	0	0	6	0	0	4	0	0	1	0	0
900	850	8	8	0	6	6	0	4	4	0	1	1	0
950	900	9	0	0	6	12	0	4	8	0	1	2	0
1,000	950	9	8	0	7	2	0	4	12	0	1	3	0
1,100	1,000	10	0	0	7	8	0	5	0	0	1	4	0
1,200	1,100	11	0	0	8	4	0	5	8	0	1	6	0
1,300	1,200	12	0	0	9	0	0	6	0	0	1	8	0
1,400	1,300	13	0	0	9	12	0	6	8	0	1	10	0
1,500	1,400	14	0	0	10	8	0	7	0	0	1	12	0
1,600	1,500	15	0	0	11	4	0	7	8	0	1	14	0
1,700	1,600	16	0	0	12	0	0	8	0	0	2	0	0
1,800	1,700	17	0	0	12	12	0	8	8	0	2	2	0
1,900	1,800	18	0	0	13	8	0	9	0	0	2	4	0
2,000	1,900	19	0	0	14	4	0	9	8	0	2	6	0

A. D. 1824 REGULATION IX.

A REGULATION to extend, with certain exceptions and conditions, the existing Settlement in the Conquered Provinces and in Bundelcund, for a further period of five years:—Passed by the Governor General in Council on the 1st July 1824; corresponding with the 19th Assar 1231 Bengal era; the 20th Assar 1231 Fussily; the 20th Assar 1231 Willaity; the 5th Assar 1881 Sumbut; and the 3d Zekaad 1239 Higeree.

Preamble.

WHEREAS the existing Settlement in the Conquered Provinces and in Bundelcund will expire with the ensuing Fuslee year 1232: And whereas, with certain exceptions, it appears to be expedient to extend the said settlement for a further term, in cases in which the settlement has been formed with Zemindars or other persons recorded as proprietors or possessors of a permanent interest in the Mehal for which they have engaged, or as the representatives of such persons: And whereas it appears also to be desirable to provide for the continuance of the engagements of Zemindars and other persons as aforesaid, subsequently to the expiration of the period specifically fixed for the same, until a careful revision of the settlement can be completed: And whereas it is desirable to make further provision for securing the improvement of the Country; the following Rules have been enacted, to be in force throughout the British territories immediately subject to the Government of the Presidency of Fort William, from the date of their promulgation.

The existing settlement in the Conquered Provinces and in Bundelcund, extended in certain cases for a further period of five years.

II. *First.*—The existing settlement in the Conquered Provinces and in Bundelcund (with the exceptions and subject to the provisions hereinafter stated,) shall be extended to a further period of five years, viz. for the years 1233 to 1237 Fuslee inclusive, in cases in which it may have been concluded with zemindars, lumberdars, or other persons recorded as the proprietors or possessors of a permanent interest in the mehal for which they may have engaged, or as the representatives of such persons.

Zemindars declining to continue their engagements for such period, to notify the same to the Revenue authorities on or before the 15th of October next;

or failing to do so, declared responsible for the payment of the present jumma during the ensuing five years.

The jumma in such cases to remain unaltered.

Second.—If any zemindars and other persons aforesaid shall be unwilling to continue their engagements for a further period of five years, on the terms specified in this Regulation, they shall notify the same to the Collector, or other officer exercising the powers of the Collector, to whom they may be subject, on or before the 15th October next. And all zemindars and other persons aforesaid who shall not make a notification to the effect and within the period above mentioned, shall be held, and are hereby declared to be responsible for the payment of the same revenue for each of the five years subsequent to the settlement now in force, viz. for the years 1233 to 1237 inclusive, as may be specified in their engagements for the year 1232 Fuslee. And in such cases no alteration shall be made in the jumma demandable by Government on account of the mehals held by such persons (excepting as hereinafter excepted) until the expiration of the said period of five years.

Collectors empowered to exclude certain Mehals from the operation of the above Rule, should any special reasons exist;

and declared competent to form a re-settlement of such Mehals, or renew the leases of them for a further period.

Proviso as to notice to be given of such determination by Collectors.

Third.—It shall be competent to Collectors, and other officers exercising the powers of Collectors, subject to the orders of the Board of Revenue, to which they may be subordinate, to exclude from the operation of the above rule any mehal or mehals, of which a revised settlement may have been made or be about to be made under the rules of Regulation VII. 1822, or in regard to which there may, in the judgment of these authorities, exist any special reasons for effecting an early re-settlement of the same; and in the case of mehals of the last description, it shall be competent to the Collectors, or other officers aforesaid, to make an immediate re-settlement of the same on the expiration of the existing leases, or to grant to the persons under engagements renewed leases for such further term (not exceeding five years) as the Board may direct. Provided, however, that in all cases in which it may be determined to adopt special measures as above, in regard to any mehal or mehals, the Collector, or other officer aforesaid, shall give notice of such determination, in writing, to the person under engagements for the same on or before the 1st March 1825. A perwannah delivered to or left at the usual residence of the malgoozar, or a notification stuck up, under orders of the Collector, in any conspicuous place within the mehal, shall be held to be sufficient notice for the above purpose.

Fourth.

Fourth.—The above rules shall not be held to affect the terms of any engagements which may have been specifically entered into on account of any year or years subsequent to the general settlement now in force.

The above Rules not to affect engagements already entered into

Fifth.—Zemindars and other persons as aforesaid, whose engagements shall be continued for a further period of five years, as above provided, as well as all other persons who may hereafter enter into engagements as proprietors, or as the representatives of proprietors, shall, after the expiration of the leases so extended or granted, hold the mehals for which they may have engaged or may hereafter engage, and shall continue to be subject to the payment of the same annual jumma as may be chargeable on account of the last year of their lease, until the Collector, or other officer exercising the powers of Collector, shall effect a detailed revision of the settlement in the mode prescribed by Regulation VII. 1822, or shall be otherwise specially authorized by Government to make a fresh assessment. Provided also, that no zemindar or other malgoozar as aforesaid, shall be liable to pay on account of any year a higher jumma than that payable under the above rule, unless he shall have been apprised of the Board's approval of the new assessment on or before the month of Jeth preceding: nor shall any such zemindar, or other malgoozar be ousted from the management of any mehal for which he may be under engagements, without such notice, except by due course of law, on a decision in favour of the title of another party claiming the property of the same.

Zemindars, &c. whose engagements may be continued, allowed, after the expiration of such leases, to hold their lands at the same annual jumma, until the formation of a revised settlement.

Proviso against the payment of a higher jumma by Zemindars, unless timely apprized.

Such persons declared not liable to be ousted from the management of their lands without notice given, except by due course of law.

III. With respect to estates which are at present let to farm, a settlement thereof shall be made on the expiration of the existing leases, for such a period as the Governor General in Council may direct: a preference shall be given to the zemindars, or other persons possessing a permanent property in the mehals, if willing to engage for the payment of the public revenue on reasonable terms. Provided also, that in cases wherein such mehals may be let in farm, the term of the lease granted to the farmers shall not, excepting as hereinafter excepted, exceed twelve years. The above rules shall likewise be applicable to estates now held khas: so in any case wherein the zemindars and other proprietors may refuse to continue their existing engagements on equitable terms, it shall be competent to the revenue authorities to let the lands in farm for such period (with the restriction herein specified) as the Governor General in Council shall appoint, or to assume the direct management of them, and to retain them under khas management during the period aforesaid, or such shorter period as may be judged proper. Provided also, that in cases wherein it shall appear that the zemindars have wilfully reduced the cultivation of their lands, or otherwise deteriorated the mehal under their engagements in their occupancy, it shall be competent to the revenue authorities to exclude persons so offending, and to let the lands in farm for a period of fifteen years. Leases for a like period may also be granted to zemindars and farmers in cases where, from special local circumstances, the measure may appear necessary with a view to the reclaiming of waste, the construction of works requisite for the extension of cultivation or otherwise, for the improvement of the country.

Estates at present let in farm to be re-settled on the expiration of the existing leases, and Zemindars possessing a permanent property in the Mehals to have a preference.

Proviso, limiting such leases to twelve years.

The above rules declared applicable to Estates held khas.

Rule of proceeding in cases where Zemindars, &c. may refuse to maintain their engagements.

Proviso for the exclusion of persons who may have wilfully deteriorated their lands, &c.

In such cases, and in others where special circumstances require it, leases may be granted for fifteen years.

IV. The rules contained in the third and following Sections of Regulation VII. 1822, with the modifications above provided for, and the necessary alteration of dates and periods, are and shall be held to be equally applicable to the Conquered Provinces and to Bundelcund as to the Ceded Provinces: Provided also, that such part of Clause third, Section IX. of that Regulation, as prescribes that engagements taken in the manner specified in that Clause shall be restricted to the term of five years, shall not be held applicable to leases granted to farmers in the cases specified in the foregoing Section; and that it shall be competent to the Board of Revenue, with the sanction of Government, to grant leases either to proprietors or farmers for any period not exceeding fifteen years, whenever special circumstances shall, in their judgment, render it expedient to do so, as well in the Ceded as in the Conquered Provinces.

Rules contained in the third and following Sections of Regulation VII. 1822, with the foregoing modifications, declared equally applicable to the Conquered Provinces and to Bundelcund.

Proviso, limiting in certain cases, the application of part of Clause 3d, Section IX. of that Regulation.

A. D. 1824. REGULATION X.

A REGULATION for modifying and amending the Rules at present in force, in regard to the pardon of Persons charged with or suspected of Criminal Offences:—Passed by the Governor General in Council on the 8th July 1824, corresponding with the 26th Assar 1231 Bengal era; the 27th Assar 1231 Fusly; the 27th Assar 1231 Willaity; the 12th Assar 1881 Sumbut; and the 10th Zekaad 1239 Higeree.

Preamble.

WHEREAS there appears reason to believe that the administration of criminal justice will be improved by extending the powers of the Magistrates, joint Magistrates, and Superintendents of Police, in regard to the offer of conditional pardons to accomplices or accessaries with the view of discovering the principal offenders; of prosecuting criminals to conviction, and of recovering stolen property. The following Rules have been enacted to be in force from the date of their promulgation throughout the provinces subject to the Presidency of Fort William.

Rules rescinded.

II. Section V. Regulation XIV. 1810, and Section IX. Regulation I. 1811, are hereby rescinded.

Magistrates and Joint Magistrates empowered to tender a pardon to accomplices in certain crimes.

III. *First.*—In cases of murder, gang robbery, highway robbery, murder by thugs, coining and forgery, as well as in cases of burglary and theft, attended with circumstances of aggravation, the Zillah and City Magistrates, and joint Magistrates, are hereby empowered, without previous reference to any other authority, to tender a pardon to one or more persons (not being principals) supposed to have been directly or indirectly concerned in or privy to the offence, on condition of their making a full, true and fair disclosure of the whole of the circumstances within their knowledge, relative to the crime committed, and the persons concerned in the preparation thereof, or of their pointing out (in cases of robbery, burglary and theft) the mode in which the stolen property may have been disposed of.

Such persons to be examined without oath.

Second.—Persons to whom pardons may be tendered under the provisions contained in the preceding Clause, shall be examined without oath.

Motives for tendering pardon to be recorded, and a copy of the proceeding to be sent to the Superintendent of Police.

Third.—In any case in which a Magistrate or joint Magistrate may exercise the powers vested in him by the provisions of this Section, it shall be incumbent on such Magistrate or joint Magistrate to record on his proceedings, either in the English or Persian language, the considerations which may have induced him to deem such course of proceedure advisable, and a copy of the proceeding shall be immediately transmitted by him to the Superintendent of Police, for the information of that officer.

When the tender of such pardon may be desirable, with a view to obtain the evidence of an accomplice, the previous sanction of the Superintendent of Police necessary.

Fourth.—If the Magistrate or joint Magistrate should consider it desirable that a pardon should be tendered to any accomplice or accessary in a crime of the description specified in the preceding Section, with a view to obtain the evidence of such accomplice or accessary in the trial of the other offender or offenders, the Magistrate or joint Magistrate shall apply to the Superintendent of Police for his sanction to the measure.

Copy of the examination without oath of the accomplice to be transmitted to the Superintendent of Police.

Fifth.—In such cases the individual in question shall in the first instance be examined by the Magistrate or joint Magistrate, without putting him on his oath, and a copy of the examination and of the proceedings holden in the case, shall be transmitted to the Superintendent of Police, who, after considering the proceedings of the Magistrate or joint Magistrate, will determine on the propriety of complying with the application.

Caution to be observed on such occasions by Magistrates, Joint Magistrates, and Superintendents of Police.

IV. *First.*—The Superintendents of Police, and the Magistrates and joint Magistrates, will be cautious not to tender pardons to principal offenders, and in no case to make the offer to accomplices or accessaries without a reasonable prospect of recovering the property plundered through the means of the person or persons to whom a conditional tender of pardon may be made, or of thereby securing the apprehension and conviction of the principal offenders by whom the crime may have been perpetrated, or of the receivers of the stolen property.

The offer of a pardon not to be sanctioned in certain cases.

Second.—In cases in which there may appear no prospect of obtaining other evidence than the deposition of an accomplice or accessary, the Superintendent of Police will refuse his sanction to the offer of a pardon.

Third.

Third.—It shall be the duty of the Superintendents of Police to bring to the notice of the Court of Nizamut Adawlut, all instances that may come to their knowledge of the injudicious or improper exercise of the powers vested in the Magistrates and joint Magistrates by this Regulation.

Improper exercise of the power conferred on Magistrates and Joint Magistrates, to be reported by the Superintendents of Police.

V. *First.*—It shall be competent to a Judge of Circuit at the time of holding the Sessions, or to the Nizamut Adawlut, if the final sentence should be passed by the latter Court, to direct the commitment of any person to whom a pardon may have been offered under the provisions of this Regulation, should it appear on evidence that such person has not conformed to the condition under which the pardon was tendered, either by wilfully concealing any thing essential, or by giving false evidence or information with a view to the conviction of an innocent person or persons.

Judge of Circuit or Nizamut Adawlut competent to direct the commitment of a person to whom pardon may have been tendered, if he shall not fulfil the conditions of the tender.

Second.—In like manner it shall be competent to a Judge of Circuit, or to the Court of Nizamut Adawlut, at the time of trial, to instruct the Magistrate or joint Magistrate to tender a pardon to any accomplice or accessary with the view of obtaining his evidence on oath as a witness on the trial.

Or to direct the Magistrate or Joint Magistrate to tender a pardon when they may judge it necessary.

Third.—It shall be competent to the Court of Nizamut Adawlut to revise the proceedings of the Magistrates and joint Magistrates, and Superintendents of Police, in any case in which a pardon may have been tendered to an accomplice or accessary, and to annul the orders passed on such proceedings, should it appear to the Superior Court that a pardon has been granted on insufficient grounds.

Nizamut Adawlut may revise proceedings and annul the orders of Magistrates, Joint Magistrates and Superintendents of police, when a pardon may have been improperly tendered.

VI.—The powers granted by this Regulation to Magistrates and joint Magistrates, are hereby declared not to extend to the assistants to the Magistrates.

Assistants to Magistrates not to exercise the powers conferred on Magistrates and Joint Magistrates under this Regulation.

A. D. 1824. REGULATION XI.

A REGULATION for empowering the Zillah and City Judges and Magistrates to depute their Registers or Assistants, for the purpose of making local investigations in certain cases:—Passed by the Governor General in Council on the 15th July 1824, corresponding with the 1st Sawun 1231 Bengal era; the 4th Sawun 1231 Fussily; the 2d Sawun 1231 Willaity; the 4th Sawun 1881 Sumbut; and 17th Zekaad 1239 Higeree.

Preamble.

BY the Second Clause of Section X. Regulation II. 1821, the Judges and Registers of the Zillah and City Courts are empowered to hold their proceedings in summary suits regarding rent, or dispossession from land or crops, at any place within the jurisdiction of the Courts to which they may be respectively attached. But no general power has been vested in the Zillah and City Judges and Magistrates to depute their Registers, or Assistants, for the purpose of making local investigations when such deputations may appear expedient; nor do the existing Regulations contain any provision for the payment of the expense incurred in such deputations, whether by the parties or by Government. The following Rules have therefore been enacted to provide for such cases; to be in force as soon as promulgated throughout the territories subject to the Presidency of Fort William.

II. Whenever it may appear advisable to a Zillah or City Judge or Magistrate, to depute his Register, Assistant, or any European officer acting under his authority, being a covenanted servant of the Company, to make a local investigation within the limits of his jurisdiction, for the purpose of speedily and satisfactorily determining a boundary dispute, or contested right of possession, or for the prompt and impartial adjustment of any matter connected with a depending civil suit, or subject of inquiry in the Foujdarry Court, which, from the circumstances of the case, may appear to require the deputation of an European officer, instead of a native aumeen, or the employment of the local moonsiff or police officer, it shall be competent to the Zillah or City Judge or Magistrate to order such deputation, and to furnish the officer so deputed with such instructions as may appear necessary

Judges and Magistrates empowered to depute their Registers or Assistants to conduct investigations within their respective jurisdictions regarding boundary disputes, &c.;

and to furnish them with suitable instructions.

for his guidance in making the local investigation committed to him; provided that such instructions be not in any respect inconsistent with the general Regulations in force.

Judges and Magistrates may determine what proportion of deputation charges shall be paid by the respective parties.

III. Whenever the deputation of an European officer, as authorized by the preceding Section, may be ordered, at the request of a party in a civil suit, or for the purpose of inquiring into any local question of private right between two or more individuals, relative to a case depending in the Dewanny or Foujdarry Court, it shall be at the discretion of the Judge or Magistrate by whom the deputation may be ordered, or who may determine the case to which it relates, to declare the whole or any part of the usual deputation allowance receivable by the officer so deputed, as well as every other authorized and necessary expense attending the local inquiry, to be payable by the party against whom the case may be adjudged, or proportionally by each of the parties, if this appear just on due consideration of all the circumstances of the case; provided that if in any instance the Judge or Magistrate shall be of opinion that it would not be proper, from indigence or other cause, to render the parties, or either of them, answerable for the whole or any part of the deputation allowance receivable by the European officer deputed, he shall be authorized to discharge the same (subject to the usual audit) on the part of Government.

All deputations to be reported to the Secretary to Government in the Judicial Department.

IV. All deputations of a Register, Assistant, or other European officer, which may be ordered by any Judge or Magistrate under this Regulation, shall be immediately reported, with a statement of the circumstances of the case, to the Secretary to Government in the Judicial Department, to whom also the return of the officer so deputed shall be reported immediately on his return to his station.

Similar Reports, together with the Judge or Magistrate's proceeding, to be communicated to the Provincial Court of the Division;

who may revoke the deputation if it shall be deemed an unnecessary or inexpedient measure.

V. A report of the deputation of any European officer under the provisions of this Regulation, shall also, in every instance, be made without delay to the Provincial Court of Appeal, or Circuit for the Division (according to the department in which the deputation may have been ordered), together with a copy of the proceeding of the Judge or Magistrate directing the deputation; and if in any instance the reasons stated for the deputation shall not appear sufficient, and the Provincial Court (after calling for any further information that may be required) shall deem the deputation unnecessary, or inexpedient, it shall be competent to the Provincial Court of Appeal or Circuit to revoke the same; transmitting at the same time a copy of the orders issued by them, with the proceedings and papers connected therewith, for the information of the Court of Sudder Dewanny, or Nizamut Adawlut, (according to the department in which the proceedings may have been held) who will issue such final orders in the case as they may deem just and proper.

In such cases the Court's Proceedings to be transmitted to the Sudder Dewanny or Nizamut Adawlut for final orders.

Judges and Magistrates to depute their Registers only in cases of urgency.

The parties concerned, or their authorized Agent, and not the established pleaders of the Register's Court, to attend the Register in making local investigations.

VI. The Judges of the Zillah and City Courts are enjoined to observe the greatest caution in deputing their Registers, under the discretion vested in them by this Regulation, with a view to obviate the public inconvenience that must arise from any continued absence of the Register from his proper Court. Such deputations should not therefore be made, except in cases of urgency, and for a short period; nor shall the established pleaders of the Register's Court be required to attend the local investigation committed to him on such occasions; but the parties shall be at liberty to attend the same in person, or by any authorized agent whom they may duly appoint to be present in their behalf.

A. D. 1824. REGULATION XII.

A REGULATION for reviving the Penalty formerly imposed on wilful Revenue Defaulters:—Passed by the Governor General in Council on the 22d July 1824, corresponding with the 8th Sawun 1231 Bengal era; the 11th Sawun 1231 Fusly; the 9th Sawun 1231 Willaity; the 11th Sawun 1881 Sumbut; and the 24th Zekaad 1239 Higeree.

Preamble.

WHEREAS many of the Zemindars of Bengal, Behar and Benares, notwithstanding the advantages derived by them from the permanent assessment of their estates,

estates, wilfully neglect to pay their revenue according to their engagements, and causelessly withhold the public dues until their estates are put up to sale: And whereas much public inconvenience having been experienced from such default, it appears to be expedient to revive the Rule under which defaulters were liable, in addition to the prescribed interest, to a penalty at the rate of 12 per cent per annum on the arrears due from them respectively; the following Rule is enacted to be in force from the date of the promulgation of this Regulation.

Clause First, Section XXVIII. Regulation V. 1812, rescinded, and the provisions which were annulled by that Clause to be again in force.

II. Clause first, Section XXVIII. Regulation V. 1812, is hereby rescinded, and the penalty prescribed by the provisions which were annulled by the said Clause, and which are now re-enacted, shall, when imposed by the Board of Revenue, be realized in the same manner as an arrear of revenue.

A. D. 1824. REGULATION XIII.

A REGULATION for making further provisions relative to the office of Sudder Aumeen:—Passed by the Governor General in Council on the 22d July 1824, corresponding with the 8th Sawun 1231 Bengal era; the 11th Sawun 1231 Fussily; the 9th Sawun 1231 Willaity; the 11th Sawun 1881 Sumbut; and the 24th Zekaad 1239 Higeree.

Preamble.

WITH a view to the better administration of Civil Justice in suits referred for trial and decision to Sudder Aumeens, as well as for the more certain and adequate compensation of these officers in certain cases, it has been deemed expedient to discontinue the mode of paying them by the institution fee, or stamp duty substituted for it, in suits decided by them, or adjusted before them by Razeenamahs of the parties; and to grant them a fixed allowance from Government, calculated to ensure a faithful discharge of duty, and afford them a liberal reward for their services; it has, at the same time, appeared proper to render their services more available to the Judges of the Zillah and City Courts: the following Rules have accordingly been enacted, to be in force from the date of their promulgation throughout the territories subject to the Presidency of Fort William.

Parts of Regulation XXIII. 1814, and Regulation II. 1821, rescinded.

II. *First.*—Such parts of Regulation XXIII. 1814, and of Regulation II. 1821, or of any other Regulation in force, as authorize Sudder Aumeens to receive, as a compensation in original suits and appeals decided by them, or adjusted before them by Razeenamah, the amount of the institution fee, or stamp duty substituted for such fee, on the suits or appeals so decided or adjusted, are rescinded, and shall have no operation after the 30th day of April 1824.

Sudder Aumeens to receive monthly allowances in lieu of fees.

Second.—From the 1st day of May 1824 the Sudder Aumeens shall, in lieu of the fee and compensation above mentioned, receive from Government such monthly allowances as may be fixed for them respectively, by the orders of the Governor General in Council.

Parts of Section II. Regulation XXIII. 1814, and Section IV. Regulation III. 1817, rescinded.

III. *First.*—Such parts of Section II. Regulation XXIII. 1814, and Section IV. Regulation III. 1817, or of any other Regulation in force, as restrict plaintiffs or appellants in original suits, or appeals adjusted by Razeenamah before Sudder Aumeens, from receiving back the whole or a portion of the institution fee paid by them, in pursuance of the general rules prescribed in the first and second Clauses of Section XI. Regulation XIII. 1810, for encouraging the adjustment of depending suits and appeals by Razeenamah, are hereby rescinded.

Stamp Duties in original suits and appeals referred to Sudder Aumeens, how to be disposed of when such suits are adjusted by Razeenamah.

Second.—In original suits, and appeals referred to Sudder Aumeens and adjusted by Razeenamah, after the 1st May 1824, if the Razeenamah be filed before the pleadings are completed and read, the full amount of the stamp duty paid on the institution of the suit or appeal, shall be returned to the party who may have paid the same, or to his legal representative; or a moiety of the stamp duty so paid shall be returned, if the Razeenamah be filed after the pleadings have been completed and read.

A monthly statement of stamp duty receivable by the parties

Third.—The several Sudder Aumeens are required to submit to the Judges and Registers, with whom they are respectively stationed, a monthly statement of the

entitled thereto, to be furnished by the Sudder Aumeens.

stamp duty receivable by the parties entitled thereto under the above Clause; and the Judges, after ascertaining the correctness of such statements, will take the necessary measures for causing payment to the parties entitled thereto, in pursuance of Section XXV. Regulation XXVI. 1814.

Part of Section LXVIII. Regulation XXIII. 1814, and Section VI. Regulation XXVIII. 1814, rescinded.

IV. *First.*—So much of Section LXVIII. Regulation XXIII. 1814, Section VI. Regulation XXVIII. 1814, or of any other Regulation in force, as directs that no suits shall be referred for trial and decision to a Sudder Aumeen in which the plaintiff may have been admitted to sue *in formâ pauperis*, is hereby rescinded.

The Judge may refer suits in *formâ pauperis* to a Sudder Aumeen.

Second.—When a plaintiff may have been admitted by the Judge or Register of a Zillah or City Court, to institute his suit *in formâ pauperis*, under the rules for paupers contained in Regulation XXVIII. 1814, and the suit may, in other respects, be referrable to a Sudder Aumeen, it shall be competent to the Judge to refer the same for trial and decision by one of the Sudder Aumeens attached to the Zillah or City Court, or stationed with the Register in any other part of his jurisdiction; and the suit so referred shall be proceeded upon by the Sudder Aumeen as in other suits referred to him, subject to the provisions contained in Regulation XXVIII. 1814.

Certain Provisions in Regulation XXVIII. 1814, declared applicable to parties in appealed cases referred for trial to Sudder Aumeens.

Exception.

Third.—The provisions in the Regulation above mentioned, respecting pauper defendants in original suits, as well as those respecting pauper appellants and respondents in appealed cases, shall likewise be considered applicable to defendants in original suits, and to appellants and respondents in appealed cases referred for trial to Sudder Aumeens; but no person shall be admitted by a Sudder Aumeen to prosecute or defend an original suit or appeal *in formâ pauperis*, without the written order of the Zillah or City Judge, or of the Register with whom the Aumeen may be stationed, authorizing the admission of the party as a pauper under the provisions of Regulation XXVIII. 1814.

Provision in Section V. of the same Regulation extended to Sudder Aumeens.

Fourth.—The Judges and Registers, who are empowered by Section V. of the Regulation above mentioned to employ an authorized officer of the Court in taking the examinations of parties and witnesses for the purposes therein specified, may, however, employ the Sudder Aumeens attached to their respective courts in taking such examinations, and generally in making the inquiries provided for by that Regulation; but no final order for the admission of a pauper shall be passed by a Sudder Aumeen, nor shall the commitment of pauper plaintiffs to close custody, in pursuance of Section XI. Regulation XXVIII. 1814, be carried into execution by a Sudder Aumeen, without the sanction of the Judge or Register, to whom it may belong to enforce the decision of the Aumeen in such cases.

But no final order to be passed for admission of a pauper suit without the sanction of the Judge or Register.

The whole of Clauses II. III. IV. V. and VI. of Section LXXVI. Regulation XXIII. 1814, still in force, except the 5th, which is hereby rescinded.

V. By the first Clause of Section LXXVI. Regulation XXIII. 1814, it is provided, that "in the trial of regular suits by the Zillah or City Judges, or in "miscellaneous cases, whenever the adjustment of accounts regarding the execution "of decrees and mercantile or revenue transactions, or the investigation of disputes "between landlord and tenant, or of other special matters of account, fact or usage, "may be requisite; and such adjustment or investigation, if conducted by the "Judge himself, would occupy a larger portion of his time than could be conve-"niently devoted to it, the Judge is hereby authorized to direct any of the Sudder "Aumeens under his jurisdiction to make such adjustment or investigation." The second, third, fourth, fifth and sixth Clauses of the Section above mentioned contain further provisions relative to the cases therein stated; and the whole of these Clauses shall be still in force except the fifth, which, in consequence of the salary to be hereafter received by Sudder Aumeens from Government, is hereby rescinded; provided, however, that if any necessary expense be incurred in making the inquiries or adjustments referred to, it shall be competent to the Judge, on the completion of the inquiry or adjustment, to order payment of the amount of such necessary expense by one or both of the parties in the case, as may appear just and proper.

Proviso.

A. D. 1824. REGULATION XIV.

A REGULATION for modifying the Rules in force for referring to the Collectors Summary Suits in cases of arrear or exaction of Rent:—Passed by the Governor General in Council on the 22d July 1824, corresponding with the 8th Sawun 1231 Bengal era; the 11th Sawun 1231 Fusly; the 9th Sawun 1231 Willaity; the 11th Sawun 1881 Sumbut; and the 24th Zakaad 1239 Higeree.

Preamble.

THE provisions contained in the Regulations now in force, empowering the Judges of the several Zillah and City Courts to refer to the Collectors for adjustment and report summary suits relating to arrears or exactions of rent, have been found insufficient to expedite the trial and adjudication of such suits; and it has in consequence become indispensable to the attainment of that object, that the Revenue Officers should be vested with authority to hear, investigate and determine, by a summary process, and subject to a regular suit in the Civil Court, all suits, claims, and demands of rent, arrears or exactions of rent, between landholders or farmers of land, and their under-tenants, or between any other persons concerned in the receipt and payment of the land rents, which may be referred to them for that purpose by the Judges of the Zillah and City Courts; the following Rules have been accordingly enacted, to be in force from their promulgation throughout the territories immediately subject to the Presidency of Fort William.

Parts of former Regulations modified.

II. *First.*—Such parts of Regulations VII. 1799, V. 1800, XXVIII. 1803, V. 1812, VII. 1813, and XIX. 1817, or of any other Regulation in force, as direct or authorize the Judges of the Zillah and City Courts to refer summary suits relative to arrears or exactions of rent, or any summary suits within the provisions of the Regulations above noticed, to the Collectors of the land revenue, for adjustment and report, are hereby modified as follows:

A Judge referring to a Collector Summary Suits under Section XIII. Regulation XIX. 1817, shall issue a precept requiring him to try and decide the suit within a limited period; or assign a sufficient reason.

Second.—Whenever the Judge of a Zillah or City Court, under the discretion vested in him by Section XIII. Regulation XIX. 1817, may consider it proper, with a view to the speedy trial and determination of any summary suit of the nature therein mentioned, to refer the same to the Collector of the district, he shall do so by a precept, requiring the Collector to investigate and decide the suit referred to him, and to report his decision within a limited period, or to assign reason at the expiration of such period, why the suit has not been decided, and what further time is requisite for bringing the same to a summary determination.

In the event of considerable delay, the Judge may recall suits from the Collector.

Third.—In the event of any considerable delay in the decision of a suit so referred to a Collector, it shall be competent to the Judge to recall the same, and to try the suit himself, or refer it to his Register.

The Collectors are competent summarily to determine suits referred to them under the foregoing Section.

III. It shall be competent to Collectors summarily to hear, investigate and determine any suits of the nature of those above specified, which may be referred to them by the Judges of the Zillah and City Courts, under the provision of the foregoing Section.

The Collector how to be guided in the decision of such suits.

IV. In the trial and decision of such suits, the Collector shall be guided by the rules contained in this Regulation, and upon points to which these may not be applicable, by the rules prescribed for the guidance of the Civil Courts in the trial and decision of summary suits of the same description. The Collector shall also possess the same power as are vested in the Civil Courts for causing the attendance of parties and witnesses, and generally for all process which it may be necessary to issue in such suits; except the execution of decrees, respecting which the following rule is to be observed.

The Collector invested with the same powers as the Civil Courts in issuing all process; except the execution of decrees.

All decisions to be notified by the Collector to the Judge of the Court by which the suit was referred.

V. All decisions passed by the Collectors under the provisions of this Regulation, shall be notified, as soon as practicable, under the Collector's official seal and signature to the Judge of the Court by which the suit may have been referred: and the whole of the papers received, and proceedings held in the case, shall at the same time be transmitted to that Court, with a final return to the precept by which it was referred. In cases in which a specific sum shall have been adjudged to be due, or any costs or damages awarded, the Collector's award shall be executed by the Judge,

The Collector's award to be executed by the Judge.

under the usual process of the Civil Court, immediately on his receiving the Collector's return as directed; and generally whatever may be ordered by the summary judgment of the Collector, consistently with the Regulations, shall be carried into execution by the ordinary process of the Civil Court.

The parties are competent to appoint any Vakeel or Representative they may think proper.

VI. It shall be competent to the parties in all suits, the cognizance of which is hereby vested in the Collectors of Revenue, to employ any agent, vakeel or representative, whom they may think proper to appoint, to act and plead in their behalf, provided such agent, vakeel or representative, be duly empowered by the parties.

The remuneration of such Vakeel to be adjusted between himself and constituent.

The rate of remuneration to such agent or vakeel shall be left to be adjusted between himself and his constituent; but no greater sum shall be awarded on this account for costs payable by the party against whom the judgment may be passed, than what may be deemed by the Collector a fair equivalent for the attendance of such agent.

No other pleadings requisite than a plaint and answer.

VII. No other pleadings shall be required from the parties in such suits than a plaint and answer; provided that if the parties should, at any time, wish to file an amended plaint, or an amended answer, or any explanatory motion, such subsidiary pleadings shall be received.

Pleadings, &c. to be written on stamped paper of the value of eight annas.

No fees to be taken on the exhibits.

VIII. The mooktarnamas or vakalutnamas, and the pleadings and final decree in such suits, shall be written on stampt paper of the value of eight annas, whatever may be the amount of the suit; and no fees shall be taken on exhibits tendered in the cause, or for the witnesses required by the parties, nor shall it be necessary for the parties to present a written motion on stampt paper for the filing of such exhibits, or for the summoning of such witnesses.

Collectors competent to determine such Suits in any part of the district, provided the proceedings be held in public.

IX. It shall be competent to the Collectors to hear and determine such suits in whatever part of the district they may occasionally be, or reside, provided that every hearing and decision be in public cutcherry, or in some other place open to the public, and in the presence of the parties, or of their constituted agents or vakeels if in attendance.

A regular suit may notwithstanding be preferred in the Zillah or City Court.

X. Any person who may be dissatisfied with the summary judgment of a Collector passed under this Regulation, and may be desirous of a more full and formal investigation of the merits of the case, shall be at liberty to prefer a regular suit in the local Zillah or City Court; and on the institution of such suit, the proceedings held on the summary inquiry shall be filed on the record of the regular suit.

A. D. 1824. REGULATION XV.

A REGULATION for enabling the Magistrates and Joint Magistrates to take summary cognizance of cases of forcible dispossession from, or disturbance in the possession of Land or other Property, subject to a regular suit in the Civil Court:—Passed by the Governor General in Council on the 22d July 1824; corresponding with the 8th Sawun 1231 Bengal era; the 11th Sawun 1231 Fusly; the 9th Sawun 1231 Willaity; the 11th Sawun 1881 Sumbut; and the 24th Zekaad 1239 Higeree.

Preamble.

WHEREAS it appears desirable for the better maintenance of the public tranquillity, and with a view to prevent breaches of the peace, in cases of disputed boundaries or contested claims to the possession of lands, crops, wells, watercourses and other premises, that the summary investigation in such cases which is now made in the Courts of Dewanny Adawlut, should, under certain circumstances, be conducted in the Foujdarry Court, leaving the parties, if dissatisfied with the award of the Magistrate, to institute a regular suit in the Civil Court for the final determination of their rights: And whereas in some districts the Offices of Judge and Magistrate are now held by different persons under the provision made for that purpose in the Second Clause of Section II. Regulation XVI. 1810; and in such instances a reference from the Foujdarry to the Dewanny Court, as prescribed in the First Clause of Section V. Regulation VI. 1813, might not always ensure the prompt inquiry and decision which are essential to the object of the summary process therein provided for; the following Rules have been enacted, to be in force from the date of their promulgation throughout the provinces subject to the Presidency of Fort William.

II. The

Modification of certain rules relative to cases of forcible dispossession from land, &c.

II. The provisions of Regulation XLIX. 1793, Regulation XIV. 1795, Regulation XXXII. 1803 and Regulation VI. 1813, which relate to the summary investigation of cases of forcible dispossession from land and other property, or forcible disturbance in the possession thereof, are hereby declared subject to the following modifications:

Magistrates and Joint Magistrates how to proceed when disputes likely to lead to a breach of the peace exist regarding the possession of land, &c.

III. Whenever it may appear to a Magistrate or a joint Magistrate, from the report of a police officer, or from any proceeding in the Foujdarry Court, that disputes exist concerning any lands or premises, or the right to water for purposes of irrigation, likely to terminate in a breach of the peace if not speedily adjusted, the Magistrate or joint Magistrate shall address purwannahs to the parties, calling on them to attend the Foujdarry Court in person or by vakeel, and to deliver a written statement of their possession, and to adduce proof of their having been dispossessed or disturbed in their possession by the adverse party, whereupon the Court, after an investigation of the statements and evidence of both parties, shall proceed to pass a summary decision on the merits of the case, and the party in whose favour judgment may be passed shall be maintained in possession until the award may be altered or reversed on the institution and decision of a regular suit in the Civil Court.

Summary decisions to be passed subject to a regular suit in the Civil Court.

Information to be furnished to the Civil Court.

IV. The Magistrate by whom the summary investigation may be conducted in conformity with the preceding rule, shall, when he summons the parties to plead their respective claims, forward a copy of his proceedings to the Civil Court of the city or district wherein the dispute may have arisen, in order that no investigation of the same case may be entered upon in the Civil Court otherwise than on the institution of a regular suit; and in the event of a summary suit between the parties being at that time pending for trial in the Civil Court, the Judge or Register (as the case may be) shall forward the proceedings of the suit to the Magistrate for his consideration and orders.

Magistrates and Joint Magistrates not authorized to award damages in such cases.

V. It is intended by the provisions of this Regulation, that the right to possession should alone be determined summarily by the Foujdarry Courts, in order to secure the public peace. It shall not therefore be competent to the Magistrates to award damages in such cases; and all parties who may have claims to urge for loss of crops or injuries sustained from dispossession, shall be referred to the Civil Court for redress under the rules at present in force.

No appeal from the summary decisions of Magistrates in such cases to be admitted, except on the ground that the case was not cognizable by the Magistrate under this Regulation.

The Court of Circuit how to proceed when such appeals may be preferred.

VI. It is hereby declared, that as the summary process authorized by this Regulation is subsidiary to a regular suit in the Zillah or Civil City Courts, no appeal shall be admissible against the judgments passed by the Zillah or City Magistrates, or joint Magistrates, unless the ground of appeal be the irrelevancy of the Regulation to the case appealed; on which ground only the Court of Circuit of the division is authorized to receive an appeal, if preferred at the sudder station of the Court within one month of the date of the summary decision, in pursuance of the general rule prescribed in Section V. Regulation III. 1821. The Court of Circuit, after receiving the appeal, and calling for the proceedings in the case, shall dismiss the same with costs, if the stated ground of irrelevancy shall not appear to be established. If on the other hand the provisions of this Regulation appear inapplicable to the case, the Court of Circuit shall reverse the irregular judgment given by the Magistrate or joint Magistrate, and pass such further orders thereupon as they may think just and proper, in pursuance of the Regulations in force, which may be applicable to the circumstances of the case.

A. D. 1824. REGULATION XVI.

A REGULATION for rescinding and modifying certain parts of the existing Regulations relating to the Collection of Stamp Duties:—Passed by the Governor General in Council on the 18th November 1824, corresponding with the 4th Aughun 1231 Bengal era; the 12th Aughun 1232 Fusly; the 5th Aughun 1232 Willaity; the 13th Aughun 1881 Sumbut, and the 26th Rubee-ul-uwal 1240 Higeree.

Preamble.

WHEREAS it is the intention of Government, with a view to prevent the forgery of Stamped Paper, to cause Stamps of a high value, to be impressed on paper specially

manufactured in Europe for that purpose, and bearing in water-mark the device of the East India Company's Arms, with the following words, in addition to the ordinary legend of the said Arms, that is to say, the words *Government Stamp*, in English, and corresponding words in the Bengallee language and character, and in the Hindoostanee language and Nagree character, and the words Ulamut Hukoomut Kumpanee in the Persian character, and the said impression will supersede the necessity of causing the paper to be authenticated in the manner prescribed in Section VI. Regulation I. 1814: And whereas it appears unnecessary to continue the said authentication on stamped paper, of any description, of which the value may be less than eight annas for each piece, and it is otherwise expedient to modify certain parts of the existing Regulations relating to this branch of the public revenue; the following Rules have been enacted to be in force within the provinces belonging to the Presidency of Fort William, from and after the expiration of six weeks from the date of their promulgation.

Water-mark paper, or paper of a value not exceeding four annas per piece, need not be authenticated.

II. Stamped paper of whatever value, being paper of the description specified in the preamble of this Regulation, as well as stamped paper of a value not exceeding four annas for each piece, shall and may be sold and distributed, without being authenticated in the manner prescribed in Section VI. Regulation I. 1814; provided, however, that paper of the above description or value, though bearing such authentication, shall nevertheless be current as heretofore. The rule contained in the aforesaid Section shall continue to be observed in regard to all stamped paper of the value of eight annas and upwards, not being paper of the description specified in the preamble of this Regulation. But it shall be competent to Government to alter, modify or rescind that rule by an order in council, in such manner as may from time to time be judged expedient, or by a like order to cause any new or additional device or legend to be impressed on the stamped paper.

Certain provisions rescinded.

III. Sections IX. XI. and XII. Regulation I. 1814, with so much of Section XVIII. of that Regulation as refers to mookhtearnamahs, and Sections XVII. XVIII. XIX. and XXVI. Regulation XXVI. 1814, excepting so much of Section XIX. as relates to security bonds (malzaminee, fail zaminee or hazir zaminee) taken by or by order of any Court, Collector, or other judicial or revenue authority, are hereby rescinded.

New stamp duties prescribed for certain deeds, instruments, and writings.

IV. From and after the date specified in the preamble of this Regulation, stamp duties shall be chargeable on the deeds, instruments and writings, specified in the Schedule, (No. 1.) annexed to this Regulation, at the rates therein set forth, and no instrument, deed, or writing of the descriptions specified in the said Schedule (saving of course what may be therein declared to be exempted) shall be written or printed on any paper, parchment, vellum, taur-leaf, or other material applicable to such purpose, unless the same shall have been first duly stamped with a stamp denoting and expressing the duty prescribed for such deed, instrument or writing; provided, however, that if any of the deeds or instruments specified in the said Schedule shall require for their due engrossment two or more rolls of paper, it shall be sufficient that one of the rolls is stamped with the prescribed stamp, provided the roll or sheet so stamped shall bear the signatures of the party or parties and of the attesting witnesses.

Lands how to be valued.

V. The valuation of lands and other property affected by deeds, instruments, or writings chargeable with a stamp duty, rated by the value thereof, shall be made in conformity with the provisions contained in Section XIV. Regulation I. and Section XXIII. Regulation XXVI. 1814, as explained by Section V. Regulation XIX. 1817.

Penalty for employing paper not bearing the prescribed Stamp.

VI. *First.*—If any person or persons shall after the date specified in the preamble of this Regulation, write or engross, or caused to be written or engrossed on any vellum, parchment, paper or other material, any of the matters or things on account of which such material would be chargeable with stamp duty under the rules of this or any other Regulation in force, before the said material shall have been duly stamped, or if any person shall after the said date in any manner make, sign or execute, or knowingly accept or negotiate any deed, instrument or writing chargeable with a stamp duty, that may not have been executed on paper, or other material duly stamped, such person or persons shall forfeit for every such offence a sum equivalent to twenty times the value of the stamped paper which ought to have been used.

Second.

Second.—The same penalty shall be forfeited, paid, and levied by and from any person or persons ordinarily resident within the provinces to which this Regulation extends, who may execute, or cause to be executed in any place on the Continent of India, not being within the said provinces, any deed, instrument, or writing of the description chargeable with stamp duty, with the intention of evading the payment of the prescribed duty, and also by and from any person or persons who may knowingly accept or negotiate any deed, instrument or writing so executed.

Or evading the rule by executing deeds out of the provinces.

Third.—Provided also that no deed, instrument or writing, executed in any place whatsoever on the Continent of India, and relating to the payment, receipt, sale, conveyance, assignment, or transfer of any property, real or personal, being within any province or place to which this Regulation extends, or of any interest in such property, or to any agreement, contract, engagement or settlement, to have effect within any province or place as aforesaid, such deed, instrument or writing being of a description chargeable with stamp duty under the rules of this or any other Regulation (saving and except bills of exchange *boná fide* drawn out of the said provinces) shall be admitted in evidence, or otherwise received or filed in any court of judicature or other public office, unless the paper, vellum or other material on which such deed, instrument or writing may be written shall be stamped with the stamp prescribed for such deed, instrument or writing.

No deed executed in any place on the Continent of India shall be received in any Court, unless written on paper bearing the prescribed Stamp.

Fourth.—Provided further, that no bill of exchange drawn on any part of the Continent of India, and payable within any province or place to which this Regulation extends, shall be negotiated within any such province or place, unless the same shall first be stamped with the stamp prescribed by this Regulation for a bill of the like amount, or unless a copy thereof executed on paper bearing such a stamp shall be prepared and attached to the original bill, with the signature of the person endorsing such original. Any violation of this prohibition shall subject the parties offending to the same penalties and forfeitures as are prescribed for the case of persons executing deeds or instruments within the provinces to which this Regulation extends, on paper not duly stamped.

Foreign bills of exchange not to be negotiated without payment of prescribed stamp duty.

Fifth.—Provided, however, that if any person or persons writing or engrossing, or causing to be written or engrossed any matter or thing chargeable with a stamp duty upon unstamped paper, vellum, parchment or the like, or any person or persons accepting or becoming possessed of any deed or instrument so written on unstamped paper, or desirous of negotiating or benefiting thereby, shall voluntarily carry the same to the Collector, and shall pay to that officer the entire amount of duty chargeable thereupon, together with the amount hereinafter provided, the Collector shall transmit the deed, instrument or writing to the Superintendent of the Stamp Office, for the purpose of being duly stamped, and the person aforesaid shall not be liable to the penalty declared in the preceding Clause; that is to say, if the deed, instrument or writing originally executed on unstamped paper, shall be brought to be stamped in the manner above mentioned, at any time before the money conditioned or directed to be paid, or any part thereof, or the act conditioned to be done shall be due, but not later than thirty days from the date of the execution of the deed, instrument or writing, or (in the case of deeds and instruments not conditioning the payment of money, or the performance of any contract within a specific period) at any time within thirty days of the execution of the deed or instrument, the party shall pay a sum equal to five times the value of the stamped paper which ought to have been used; if the deed or instrument aforesaid shall not be brought in the manner above mentioned, within the period above specified, the party bringing it shall pay a sum equal to ten times the value of the stamped paper which ought to have been used. Provided also, that in the case of bills of exchange, which may be payable on demand, or which may be made payable at a certain date after sight, and which may not have been presented for payment, the maturity of such bills shall be calculated by allowing for the presentation of them a period of two weeks, in addition to the time required for their transmission to the place on which they may be drawn, by the public dawk.

Holders of instruments written on unstamped paper, on what conditions to get them duly stamped.

If within thirty days.

If after thirty days.

Sixth.—In case any deed, instrument or other writing liable to a stamp duty shall have been executed on paper, parchment, vellum or other material, stamped for a rate or amount of duty less than what may be the rate or amount chargeable on account of the matter or thing that may have been engrossed or written thereupon, the like penalties shall attach as have been provided by the preceding rules of

Penalty in case of the employment of paper stamped with too low a Stamp.

this Section; that is, a sum equal to twenty times the excess of the proper stamp above the value of that which may have been used shall be forfeited, if the error of the stamp be discovered otherwise than by the voluntary production of the deed, instrument or writing by the party or parties concerned; and a sum equal to five or ten times the said excess, if the party shall voluntarily bring such deed to have the proper stamp affixed within the periods above stated respectively.

Provision for cases of accident or inadvertence.

Seventh.—Provided, however, and it is hereby enacted, that in case any deed or instrument chargeable with a stamp duty shall have been executed on unstamped paper, or other unstamped material, or on any material bearing a stamp of an amount not equal to the duty chargeable upon such deed or instrument, then, if the person executing such deed, or any other party interested, shall establish to the satisfaction of the Board of Revenue, or other authority exercising the powers of that Board, that the irregular execution of the deed or instrument was owing to accident or inadvertence, or to any unavoidable cause; it shall be competent to the above mentioned authority, in case they should think proper to do so, to remit part or the whole of the penalties above enacted, and to cause a proper stamp to be affixed to such unstamped or improperly stamped instrument, on the payment of the actual amount of duty chargeable thereupon. It shall also be competent to the Board, or other authority aforesaid, in cases in which, under special circumstances, it shall be proper or expedient to direct the Collector to grant to the party a paper bearing the prescribed stamp, certifying thereon the amount paid, and the nature and date of the instrument on account of which it may have been levied, and authorizing the party to file, exhibit and record the same in any court or public office, with such certificate and authority annexed; and on the production of such certificate and authority duly annexed to the instrument, the latter shall be filed, recorded, received and enforced in the same manner as if it were executed on paper bearing the prescribed stamp.

Board authorized to cause a Stamp to be impressed on deeds and instruments executed on unstamped paper previously to the enactment of this Regulation.

Eighth.—It is further hereby declared to be competent to the Board of Revenue, or other board or commission exercising the powers of that Board, to authorize and direct the prescribed stamp to be affixed to any deed, instrument or writing which may have been written on unstamped paper previously to the enactment of this Regulation, on the payment, by the party holding or desiring to benefit by such deed, instrument or writing, of such a fine as the said Board may judge fit to demand; and any deed, instrument or writing so stamped, shall be, and be considered equally valid as if it had been originally written and engrossed on paper bearing the proper stamp, any thing in the existing Regulations to the contrary notwithstanding.

Applications in such cases how to be made.

Ninth.—Persons desiring to have the proper stamp affixed to deeds or instruments written on unstamped or stamped paper of an inadequate value, without the payment of the prescribed penalty, may make application for that purpose, either directly to the Board, or to the Collector or other officer in charge of the Stamp Office. In cases in which application may be made to the Board, that authority will either investigate the case themselves, or refer it for report to the Collector, as they shall judge most convenient; and in all cases in which the party may apply to the Collector or other officer aforesaid, it shall be the duty of such officer forthwith to hold proceedings on the case, and to submit a report on the circumstances of it to the Board to which he may be subordinate, with as little delay as practicable.

Penalty for filing or recording Papers not executed on paper bearing the prescribed Stamp.

VII. *First*—Any person or person filing, or exhibiting, or recording, or causing, or procuring to be filed, exhibited or recorded for the purposes of proof, information, registry, or for any purpose, or in any manner whatsoever, in any court of justice, or in the office of any collector, register or other public officer, any deed, instrument, petition, pleading, or other writing of the description required to be written on stamped paper, which may not be written on the prescribed stamped paper, whether the said person or persons be himself the party interested in the case or matter on account of which such deed, instrument, petition, pleading or writing may be filed, exhibited or recorded, or be the vakeel or mookhtar of such party, or be a ministerial officer of such court or office, save and except the cases provided for in Section VIII. of this Regulation, shall, besides dismission from office (if the offender be an officer of Government, or authorized vakeel of court) forfeit to Government a sum equal to twenty times the value of the stamped paper on which such deed, instrument, petition, pleading or writing, ought to have been written.

Second.

Second.—Any vakeel or authorized pleader attached to any court of judicature, any cazee, or public officer whatsoever, who may draw up any deed, instrument, or other writing required to be written on stamped paper, on paper or other material not bearing the prescribed stamp, or who may attest, register, or record any deed, instrument or writing, which may not be written on the prescribed stamped paper, or who may prepare for the purpose of being authenticated a copy of any deed, instrument, or writing on paper or other material not bearing a stamp of the same value as is prescribed for the original of such deed, instrument or writing, shall, besides dismission from office, forfeit to Government a sum equal to twenty times the value of the stamped paper on which such deed, instrument or writing ought to have been written.

Penalty for Vakeels and others preparing papers without the prescribed Stamps.

VIII. No exception shall be taken to any deed, instrument or other writing, on the ground that the stamp which may have been used is not of a proper denomination, or rate of duty, provided the stamp or stamps used equal or exceed in value the stamp or stamps which under the provisions of this Regulation ought to have been used.

No exception on account of over-value.

IX. *First.*—So much of Regulation I. 1814, as prescribes that the stamps specified in Section V. of that Regulation shall be stamped at the office of the Superintendent of Stamps, together with such parts of the said Regulation as prescribe, or can be construed to prescribe, the use of any particular description of paper, are hereby rescinded; the aforesaid stamps as may hereafter be used shall be impressed at such place, and in such manner, and on such paper or other material, as the Governor General in Council may from time to time direct.

Stamps to be stamped on such paper, and in such manner as Government directs.

Second.—In further modification of Section V. Regulation I. 1814, it is hereby enacted, that it shall be competent to the Board of Revenue, with the sanction of Government, to cause such sets of stamps to be prepared, as may appear to them best suited for expressing and denoting the several stamp duties directed to be raised under this or any other Regulation; and to direct the employment of two or more stamps to denote and express the amount chargeable on any single piece of vellum, parchment, paper, or other material; provided, however, that the stamps impressed at the office of the Superintendent of Stamps, or other place appointed in lieu of it, shall always correspond in number and value with the counter-stamps impressed at the General Treasury, and that all dies shall, besides the words denoting their value, contain the following words, that is to say, those used at the office of the Superintendent of Stamps, or other place aforesaid, shall contain the words *Stamp Office*, and the counterstamp impressed at the General Treasury similarly contain the words *General Treasury*.

Board of Revenue to cause proper Dies, &c. to be prepared.

X. So much of Section X. Regulation I. 1814, as prescribes that a single office only shall be established in each district for the superintendence of the sale of stamps, and as fixes the mode and extent of remuneration to be granted to the officer in charge of the said office, together with such part of the aforesaid Section as prescribes or can be construed to prescribe that licences for the sale of stamped paper, shall be granted only to natives of India, is hereby rescinded. The rules contained in the aforesaid Section, which refer to the form of sunnud to be granted to, and engagements to be executed by the licensed vendors of stamps are likewise declared to be subject to the modifications hereinafter prescribed. Such offices shall be established for the above purpose in the several districts, as the Governor General in Council shall from time to time direct; and Government further reserves to itself the power of determining from time to time the remuneration to be assigned to the officers vested with the charge of the several stamp offices now established or hereafter to be established, and similarly of fixing from time to time the limits within which the said officers shall exercise the powers and perform the duties in this behalf, ordinarily vested in Collectors of land revenue by Regulation I. 1814. Provided also, that all rules contained in this or any other Regulation now in force, or hereafter to be enacted, which have reference to the powers and functions exercised, or emoluments enjoyed by the said Collectors, shall in matters of or belonging to the stamp revenue be held applicable to all other public officers who may be vested with the charge of a stamp office under the above rule, unless otherwise specially provided. The Collector or other officers in charge of a stamp office, shall, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, authorize such persons to sell stamps as may appear proper. Provided, however, that all such persons

Such Officers to be appointed to the management of Stamp Concerns in each District, with such remuneration as Government may judge fit.

Rules regarding appointment of Stamp vendors likewise modified.

Appointment of vendors how to be made.

Conditions of appointment.

persons shall be furnished with a licence in the form No. 2, annexed to this Regulation, and that a list of all licensed stamp vendors shall be stuck up in a conspicuous place in the cutcherry of the Collector of the district, and in the court-room of the nearest dewanny adawlut, or in such other place or places as the Board of Revenue or other authority aforesaid shall direct. Provided also, that all persons now appointed or authorized, or who may hereafter be appointed or authorized to sell stamps, under the authority of the Collector, or other officer in charge of a district stamp office, shall enter into an engagement, according to the form No. 3, annexed to this Regulation, and shall furnish adequate security for the due performance of the several stipulations therein contained, subject to the several penalties hereinafter specified: Provided also, that it shall and may be lawful for the Board of Revenue to require vendors or distributors of stamps to come under such further engagements as may appear necessary, and as may be legally required from them; any thing in the existing Regulations to the contrary notwithstanding.

Vendors always to have stuck up for general inspection a copy of the Schedule of Duties, together with their respective Licences.

And further to notify their appointment as may be directed.

Penalty for neglect.

XI. *First.*—All authorized stamp vendors shall at all times have their respective licences, together with a copy of the Schedule annexed to this Regulation, duly authenticated by the official seal and signature of the Collector or other officer by whom they may have been licensed, stuck up in a conspicuous place in the cutcherry-room or other place in which they may sell the stamps: and shall further stick up such a notification on the outer-door of their cutcherry or house, as the Collector or other officer may direct, that the public may be fully apprized of their appointment. Any disobedience of this rule will subject the party offending to a fine of fifty rupees.

Stamp vendors to endorse paper sold by them.

Penalty for neglect.

Second.—All stamped paper sold by authorized vendors, or otherwise delivered to individuals for use, shall be endorsed by the vendor or other person delivering the same with his signature, written in the manner commonly used by him, and the vendor or person aforesaid shall further inscribe on the back of each sheet or piece of such paper the date of such sale or delivery. Any vendor or distributor giving out stamped paper or the like without writing at the back of each sheet or piece his name as aforesaid, and the date of sale or delivery, shall forfeit for every such offence the sum of 50 rupees, provided the value of the paper sold do not exceed the sum of 16 rupees; but if the value of the paper so sold without signature exceed the sum of 16 rupees, then the vendor shall for every offence so committed forfeit a sum equal to three times the value of the paper so illegally sold by him. Any vendor or distributor writing a false date at the back of paper, vellum or parchment, given out by him, shall forfeit the sum of 100 rupees for every such offence, or if the value of the stamp sold exceed that amount, then he shall forfeit six times the value of such stamp paper, besides being liable to the penalty of his bond in case of any breach of its stipulations.

Penalty for writing a false Date.

Vendors not to sell Stamps at an inadequate price.

Penalty for selling or delivering without receiving the full price.

Third.—No vendor or distributor of stamps shall give out or deliver any stamped paper or the like without having previously received the full amount of the duty denominated by the stamp or stamps thereon impressed, unless otherwise specially permitted or directed by the Collector or Board of Revenue, and any vendor or distributor who may, without a special direction or permission in writing from the Collector or Board aforesaid, give out or deliver any stamped paper, vellum, parchment or the like, without having received the entire amount of duty denominated by the stamp or stamps affixed thereto, shall forfeit for each and every piece of paper or other material aforesaid so given out or delivered by him, the sum of 50 rupees, besides being held responsible for the amount, which should have been taken in case of its not being afterwards recovered. And any person taking or receiving stamped paper without having paid the entire amount of duty as aforesaid, shall forfeit a like sum for each and every piece of paper so received or taken by him.

Penalty for purchasing at an inadequate price.

Penalty for refusing or delaying to deliver paper.

Fourth.—All vendors and distributors of stamps shall comply with all applications made to them for the purchase of stamped paper or the like, with as little delay as practicable; and any vendor or distributor being applied to for stamped paper or the like, and having in his possession the description of paper required, shall in case of refusal or wilful delay to furnish the same to the person applying for it, and tendering the value in coin of the established currency, or in notes authorized by Government to be received in payment of the public revenue, forfeit for every such offence the sum of 50 rupees.

Fifth.

Fifth.—No vendor or distributor of stamps shall on any plea or pretext whatsoever take, receive or demand a higher price for the stamps sold or delivered by him than the sum denoted by the stamp or stamps impressed on the paper, parchment or the like, so sold or delivered, or any fee, reward or consideration for furnishing stamps to persons applying for them. Any vendor or distributor who upon furnishing stamped paper, parchment, vellum, or any other article bearing a stamp, to any individual for use, shall as a consideration for furnishing the article, or on any other pretext, take or demand a higher price than the amount that may be denoted by the impression of the stamp or stamps upon such paper, parchment, vellum or the like, shall forfeit for every such offence the sum of sicca rupees one hundred.

No vendor to take more than the prescribed price for Stamps sold by him.

Penalty for taking or demanding more than just price.

Sixth.—All persons licensed to vend or distribute stamps shall keep such accounts of the paper received and delivered by them, as the Board of Revenue may direct, and shall furnish the Collector with such copies or extracts of those accounts, and at such periods as he may from time to time require. The said persons shall regularly pay to the Collector all money received by them on the sale of stamps entrusted to them on account of Government, at such periods as the said officer may appoint, and shall at all times when required permit the Collector, or other person duly authorized by him, to inspect the accounts kept by them, and to examine the store of stamped paper or the like, which they may at any time have in their possession.

Accounts to be kept by vendors.

Vendors regularly to pay money received by them on sale of Stamps.

Seventh.—Any vendor or distributor failing to produce before the Collector to whom he is subordinate, any of the accounts required to be kept by him after requisition made in writing by that officer on the day fixed in such requisition, and failing to account for such omission to the satisfaction of the Board of Revenue, or other authority exercising the powers of that Board, shall forfeit the sum of rupees fifty, and shall further be subject to such daily fine for every day beyond the date fixed in such requisition for the production thereof, until the day when the accounts may be produced, as the Board or other authority aforesaid may impose.

Penalty for refusal or neglect to produce Accounts.

Eighth.—Any vendor or distributor refusing to permit the Collector, or other person duly authorized by a writing under the seal and signature of that officer, to inspect the said accounts, and examine the store of stamped paper at the time in the custody of such vendor or distributor immediately upon demand, shall forfeit for every such refusal the sum of 100 sicca rupees, and shall further be subject to such daily fine until he complies, as the Board of Revenue may direct.

Penalty for withholding Accounts and store of Paper from inspection of Collector.

Ninth.—When the licence of any vendor or distributor may be withdrawn, or upon resignation, all stamped paper or other article remaining in store at the time of such removal or resignation, and all accounts regarding the sale and distribution of stamped paper or the like at any time delivered to him, together with the balance of all money or monies which may have been realized by the sale and distribution thereof up to the date of the said removal or resignation, and which may not have been already paid or accounted for to the Collector of stamp duty, and likewise the sunnud, perwannahs, or other documents, which the said vendor or distributor may have received from that officer, shall be forthwith delivered over to the Collector, or to such person or persons as he may appoint by a writing under his hand and seal to take charge thereof, receiving for such parts of the stamped paper or the like as may have been furnished to him under the provisions of Clause fifth, Section XVI. of this Regulation, the amount actually paid by him for the same as therein directed. In case any vendor or distributor so removed or resigning shall refuse or fail to make over the said accounts and stores, and the balance of the accounts in cash, or any part thereof, he shall forfeit for such failure or refusal a sum equal to treble the amount and value of the stamps and money which may appear from the accounts kept at the Collector's office to be in the possession of such vendor or distributor, together with such daily fine, until the papers accounts and documents required are furnished, as the Board or other authority aforesaid may direct.

On resignation or dismission, Paper and Accounts to be delivered up.

Tenth.—In case of the death of any vendor or distributor, the Collector shall in like manner be empowered to demand from the heir and person administering to the estate of, or representing the deceased, or other person in charge of his effects, the remainder of any store of stamped paper, vellum, parchment or the like, in the possession of such vendor or distributor at the time of his decease, together with

Also on death of vendor.

all accounts of the sale or distribution thereof, and all sunnuds, perwannahs and other documents or writings as aforesaid that may be forthcoming amongst the effects of the deceased, and in the event of any refusal on the part of the heir, administrator, or other person in charge of the effects of the deceased, to deliver the same, or of refusal to allow search to be made, whenever the Collector may demand to make search for the said stores or accounts, such heir or administrator, or other person in charge of the estate, shall forfeit for every such offence the sum of fifty rupees, together with such daily fine, until the papers, accounts and documents required are furnished, as the Board or other authority aforesaid may direct.

In case of deficiency, Collector may proceed against parties.

Eleventh.—Provided also, that it shall be competent to the Collector in the cases specified in the two preceding clauses, as well as in all cases in which a vendor or distributor may fail or delay to account for and make good the value of any stamped paper or the like, with which he may have been furnished for sale on account of Government, immediately to call upon the surety or sureties of the said vendor or distributor to make good the deficiency of money or paper, and on their failure to do so, to proceed against all or any of them, either by putting their bond in suit, or summarily in the manner hereinafter authorized.

Collector may issue search warrant.

Twelfth.—Provided further, that on the failure or refusal as aforesaid of any of the parties specified in the four preceding clauses, it shall and may be lawful for the Collector to issue a search warrant, under his official seal and signature, for the discovery of any paper, money or accounts which the said parties may withhold; such warrants to be executed under the same rules and restrictions as are applicable to those issued by officers in charge of the abkaree mehal.

Penalty for filing or recording paper not duly endorsed.

XII. *First.*—If any deed, instrument, petition, pleading, or other writing required to be written on stamped paper, and written on the prescribed stamped paper, shall be filed, exhibited or recorded in any court of judicature or public cutcherry, or before any Judge, Collector, Register, or other public officer, not having the signature of a licensed stamp vendor, or other person duly authorized to sell or distribute stamps, endorsed upon it, the person or persons filing, exhibiting or recording the said deed, instrument, petition, pleading, writing, or causing or procuring it to be filed exhibited or recorded, shall forfeit a sum equal to five times the value of the said stamped paper: and if any deed, instrument, petition, pleading or document shall be filed, exhibited or recorded as aforesaid, having a forged or counterfeit stamp or signature, the person filing, exhibiting or recording such deed, instrument or document, or causing or procuring it to be filed, exhibited or recorded, shall forfeit to Government a sum equal to twenty times the value of the stamp which ought to have been used, unless the material on which the same may be executed shall bear the signature and date required by Sections XI. XIV. and XV. of this Regulation, and the party shall be able to show that the material stamped with a forged stamp was purchased or obtained on the date specified on the back, and from the individual whose name may be there signed. If the said signature and date shall be duly endorsed on the back of the material stamped as aforesaid with a forged impression, and the proof adduced to the fact and date of purchase be deemed by the Judge or other officer before whom or in whose office the deed, instrument or other writing may have been filed, exhibited or recorded, to be sufficient, that officer, if not himself the Collector, shall transmit the document to the Collector, with a communication of his judgment in the case, and the Collector, on payment by the party of one half the established duty chargeable on account of the matter of the instrument or deed in question, shall forward it to the Superintendent of Stamps in order that it may be duly stamped.

Proceeding to be followed in case of forged Stamp being filed.

Persons discovering forged Stamps in their possession, how to proceed.

Second.—If any person shall discover that any deed, instrument or document in his possession is written on paper, or other material bearing a forged or counterfeit signature or stamp, such paper or other material bearing the signature and date required by Sections XI. XIV. and XV. of this Regulation, and shall state the circumstance to the Board of Revenue, or other authority exercising the powers of that Board, or to the Collector or other officer in charge of the office established for the sale and distribution of stamps, the said person shall, on proving to the satisfaction of the Board of Revenue, or other authority exercising the powers of that Board, that the paper or other material in question was purchased or obtained on the date specified on the back, and from the individual whose name may be there signed, be entitled to have the said paper or material duly stamped without any fee or charge.

XIII. *First.*—The decision of the Board of Revenue, or other authority exercising the powers of that Board, shall be final in regard to all forfeitures and penalties to which vendors or distributors of stamps may become subject for any breach of the rules prescribed in Sections X. and XI. of this Regulation, or for any violation of the stipulations inserted in their engagements. The Board or other authority aforesaid shall and may determine the forms and process to be followed by the Collectors in such cases, and the rules, according to which their own proceedings are to be regulated, with reference to other cases in which the revenue authorities are vested with judicial powers.

Decision of the Board regarding Penalties, in what cases to be final.

Second.— Such penalties, when adjusted by the Board or other authority aforesaid, as well as all balances of cash due from the said venders or distributors, or from any officer of or belonging to the Stamp Department, shall and may be recovered by the Collectors from the persons or officers aforesaid, or from their sureties, by the same process as it is or may be lawful to follow for the recovery of arrears of land revenue due from any farmer of land, or his surety.

Penalties and Balances due by vendors or distributors, how to be recovered.

Third.—All penalties prescribed in this Regulation, with the exception of those specified in Clause first of the present Section, shall be recoverable by a summary process in the Courts of Dewanny Adawlut, at the suit or information of the Collector, or other officer vested with the charge of the office established for the sale and distribution of stamps; or in the case of writings filed, exhibited or recorded in any public office, on the suit or information of the officer in charge of such office, or of any of the ministerial officers belonging to it, or of any other individual. Provided, however, that in all cases of fines and forfeitures incurred under this Regulation, whether the same shall have been adjudged by a Revenue Board, or by a Court of Judicature, it shall be competent to the Board, within the jurisdiction of which the offence may have been committed, to abate remit or forgive such part of the prescribed fine or forfeiture as they may judge proper; and an order from the said Board to the Collector of the district shall be a sufficient warrant to the Court for the discharge of any person confined for non-payment of any fine or forfeiture incurred under the provisions of this Regulation.

Penalties, other than those above specified, how to be recovered.

Power of remitting Penalties vested in the Revenue Boards.

Fourth.—Persons giving information, which shall lead to the conviction of any person guilty of any of the acts for which a penalty or forfeiture is declared and prescribed by this Regulation, shall on conviction of the offender be entitled to a moiety of the fines and forfeitures levied from him. The remaining moiety is to be carried to the credit of Government; as well as all fines levied from persons voluntarily producing unstamped, or irregular stamped writings, under the provisions of Clauses V. VI. VII. and VIII. Section VI.

Rewards to Informers.

XIV. In modification of the rule contained in Clause IX. Section X. Regulation I. 1814, it is hereby declared and enacted, that the provisions of the clause for the punishment of persons concerned in the unlicensed sale of stamped paper, shall not be applicable to the case of persons, who having *bonâ fide* purchased stamped paper for their own use, with the prescribed endorsement from one of the authorized vendors or distributors, may transfer the same to another at a price equal to the amount of duty denominated by the stamp or stamps impressed on the paper or other material so transferred; provided, however, that every person who may so transfer stamped paper shall endorse the same with his signature in the presence of one or more creditable persons, and the proof that the paper was purchased as aforesaid, shall lie with the person so transferring it. Provided also, that if any individual shall sell or buy any stamped paper, or other material bearing or purporting to bear the Government stamp, for a less price than the amount of the duty denominated by the stamp or stamps thereon impressed, he shall forfeit for each and every piece of paper or other material so bought or sold by him, the sum of fifty rupees, besides being subject to punishment under the rule contained in Clause IX. Section X. Regulation I. 1814.

Modification of the rule regarding the transfer of Stamps by one individual to another.

Individuals how to transfer Stamps.

XV. *First.*—For the convenience of merchants, indigo planters, and others, who may be desirous of having at all times in their possession papers, parchments, or the like, stamped with various impressions, to be used as occasion may require in the drawing up of instruments of any of the descriptions required to be executed on materials impressed with a Government stamp, it is hereby provided, that any person desirous of obtaining a supply of stamped paper or other material, shall, on application

Individuals on what terms to be supplied with Stamps for eventual use.

to the Collector of the twenty-four-pergunnahs, or such other officer or officers as the Governor General in Council may from time to time appoint, and the payment into his treasury of the amount chargeable on account of the stamps required, receive a certificate from the Collector or officer aforesaid, stating the amount paid, and the number and value of the stamps required; and on the production of that certificate, together with the necessary quantity of plain paper, parchment or other material, the Superintendent of Stamps, or other officer in charge of the Stamp Office, shall cause the same to be immediately stamped at his office with the stamps specified in the said document, and shall transmit the said papers, parchments or other materials, to the General Treasury, to be there impressed with the necessary counter-stamps. Provided, however, that no person shall be entitled to require the Collector or other officer aforesaid, to grant a certificate in the manner above stated, unless the total value of the stamps for which he may tender payment shall amount to the sum of one hundred rupees, and the number of pieces of paper, vellum or other material required to be stamped, shall not be less than twenty.

Receipt to be produced to Superintendent of Stamps by persons wishing to have paper stamped.

Second.—No paper, vellum, parchment or other material shall on any account be received by the Superintendent of Stamps to be stamped on account of any individual, unless the same be accompanied with a receipt in full under the signature of the Collector or other officer aforesaid, for the entire amount of duty which may be required to be impressed thereon, or unless the same be sent to be stamped by authority of the Board of Revenue under the powers vested in that Board by this Regulation. The receipt of the Collector or other officer aforesaid shall in all cases specify as well the aggregate amount paid as the number and description of the stamps required, and the exact number of sheets or pieces on which the same are to be impressed, and all such receipts shall be disposed of by the Superintendent in such manner as the Board of Revenue may direct.

Examination and authentication of Stamps delivered by Superintendent to individuals.

Third.—The Superintendent of Stamps shall appoint one or more officer or officers of his establishment to receive and compare with the receipt of the Collector of the twenty-four-pergunnahs, or other officer aforesaid, all papers or the like brought to be stamped as above, and after the stamps shall have been affixed, the same officer shall again count the whole, and sign his name at the back of each separate sheet or piece of paper, or other material; and he shall likewise note on each the date on which the said paper is ready for re-delivery, and further make an entry to that effect, with specification of the quantity of paper, or the like, impressed with each description of stamp in a book to be specially kept by him for that purpose. When the paper or other article shall be prepared in the manner above described, it shall be made up into a parcel, to be sealed with the Superintendent's seal, and shall in that state be forthwith transmitted to the person who may have sent it to be stamped, or at the Superintendent's option, notice shall be sent of its being ready for delivery when called for.

Discount, in what cases and to what amount to be allowed.

Fourth.—Whenever any person or persons shall desire to send paper or other material to the Stamp Office for the purpose of being stamped, and shall consequently pay the amount of duty in advance in the manner above required, it shall be competent to the Collector or other officer aforesaid, in case the total amount so falling to be paid shall exceed the sum of five hundred rupees in any one payment to allow to the party making such payment a discount at the rate of four per cent upon the aggregate amount of duty leviable, or such other rate as may from time to time be appointed by the Governor General in Council, by notification in the Government Gazette, and the amount of such discount shall be charged and entered on the accounts of the Collector or other officer aforesaid, under the head of disbursements.

Board may order Stamps to be furnished on conditions above specified to licensed vendors.

Fifth.—It shall also be competent to the Board of Revenue to direct and cause stamps to be furnished, in the manner prescribed in this Section, to any licensed vendors who may be willing to purchase the same. All such persons, however, shall in the sale of stamped paper so furnished to them, be subject to the same rules as are prescribed for the sale of stamps supplied to them on account of Government: Provided, however, that if such vendor shall resign or be dismissed, or his licence be otherwise cancelled, then and in that case he, his representative or assign, shall deliver up to the Collector of Stamps, or to such person as he may appoint to receive it, all the stamped paper, vellum or the like, furnished to him under the provisions of this Section, or such portion as may not have been disposed of, and shall be entitled

entitled to recover a sum equivalent to the price, which he may have advanced for the same, viz. the specified amount of the stamped paper, or other material aforesaid, with a deduction of the discount that may have been allowed on it.

Penalty for stamping paper brought by individuals without due Certificate.

Sixth.—If any superintendent or other officer shall fix or impress any stamp to or upon any vellum, parchment, paper or other material, which shall be brought to the Stamp Office to be stamped or marked, without a regular certificate from the Collector, of the amount of duty having been paid, or without special authority in writing from the Board of Revenue, he shall for every such offence forfeit the sum of one thousand rupees. In like manner, if any Collector, or other officer appointed to receive the stamp duty, shall grant a certificate of the above description, before the prescribed duty, with a deduction of the authorized discount, shall have been actually paid, such officer shall forfeit for every such offence the sum of one thousand rupees, besides being held responsible for the amount of duty unrealized.

Also for granting a Certificate without full receipt of duty.

Penalty for procuring a Stamp to be improperly impressed, or Certificate granted.

Seventh.—Any native officer or other person causing or procuring any stamp to be fixed or impressed, or any certificate to be granted in the manner aforesaid, or conniving with the officer so fixing or impressing any stamp, or so granting a certificate, shall forfeit for every such offence the sum of rupees one thousand, and shall in addition be held answerable for the amount of the duty leviable on the paper mentioned in the certificate.

Stamps accidentally destroyed, how to be replaced.

XVI. *First.*—Should it so happen that any parcel of papers, parchments, vellums, or the like, or any single sheet or piece thereof that may have been duly stamped, and obtained from a licensed vendor of stamps, or other officer authorized to sell or distribute stamped paper, shall have been destroyed by fire or other accident, it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, upon its being proved to the satisfaction of such authority, that the said stamps were duly received, and subsequently were destroyed by accident, after the manner asserted, to cause their Secretary, on the payment of a fee of two sicca rupees by the owner of the paper or other material destroyed, or his representative, to deliver to him the same number of pieces of stamped paper, and of the same value as that which may have been destroyed.

Also soiled or spoiled Stamps.

Second.—In like manner in case any stamped paper, parchment, vellum, or the like, after having been obtained in the regular manner, shall have become soiled, spoiled, or unfit for use, either by consequence of any accident happening to the same, or because of error in the drawing up or copying of any instrument thereupon, which being discovered before such instrument may be finally signed and executed, shall render the writing of no avail, or in which by reason of the death or refusal of the party or parties whose signature may be necessary to effect the transaction intended by such writing, it should be incomplete and of no avail, or in which by the refusal of any office or trust that may be granted by such instrument, it shall fail of the purpose intended, or in the case of promissory notes, bills of exchange, or the like, if by non-delivery to the payee, or person acting on his behalf, or other cause, they shall never be brought to use; in all such cases it shall be competent to the Board of Revenue, or other authority aforesaid, upon delivery being made of the stamped paper, parchment, vellum, or the like, so soiled or spoiled, to cause an equivalent quantity of stamped paper to be delivered as above provided to the owner of the article or articles so soiled or spoiled, or to his representative, on the payment of a fee of two rupees. But this rule shall not extend to bills of exchange drawn in sets, of which any one of the set may have been delivered to the payee.

Application in such cases, how to be preferred by the owner of the Stamps.

Third.—The owners of stamped paper which may be destroyed or soiled as aforesaid, may prefer their application to the Collector of the district in which they may have purchased it, and if the Collector shall be of opinion that the application ought to be complied with, he shall transmit a report of the case to the Board of Revenue, or other authority exercising the powers of that Board, to which he may be subject, and the Board or other authority shall be authorized to direct the Collector to deliver to the party or his representative, stamped paper equivalent to that which may have been destroyed or soiled, in the same manner and subject to the same conditions as above prescribed.

Restriction of above provision to cases in which the Stamp or Stamps destroyed or

Fourth.—Provided, however, that no such indulgence shall be granted by authority of the Board of Revenue, or other authority aforesaid, except the total value of stamps proved to have been destroyed or soiled by accident, or the total value of

spoiled may exceed ten rupees in value.

every single stamp, in the case of the material having been spoiled by being written upon, shall amount to or exceed the sum of ten sicca rupees, and proof shall be exhibited to the satisfaction of the Board, or other authority aforesaid, that the accident or act by reason of which the material may have become soiled or spoiled, or

Limitation to time of application.

destroyed or useless, occurred within the period of six weeks antecedent to the date on which application may be made for the renewal of it.

Board, Collectors and Superintendent of Stamps, authorized to administer Oaths.

XVII. It shall and may be lawful for the Board of Revenue, or other authority exercising the powers of that Board, the Superintendent of Stamps, and the Collectors or other officers vested with the charge of offices established for the sale and distribution of stamps, to summon witnesses, to administer oaths and affirmations, and to take affidavits and affirmations with the same powers and authority in regard to resistance or disobedience of their orders in this behalf, and to contempts, as belong to the Zillah and City Judges, in all cases where he or they shall respectively think it necessary to administer or take an oath or oaths, or affirmation or affirmations in any investigation or inquiry into any case relating to the stamp revenue, or in any matter or thing connected therewith; and any person giving intentionally and deliberately a false deposition on oath or solemn affirmation, when examined by the Board or other authority, Superintendent, Collector, or other officer aforesaid, shall be held and considered guilty of perjury, and shall be liable on conviction before a Court of Circuit, to the penalties which are or may be prescribed for that offence; and the Zillah and City Judges shall give effect to all orders passed by the Board or Collectors, under the authority hereinbefore vested in them, for the confinement in the dewanee gaol of persons who may refuse to swear, or to give evidence when legally required to do so, or who may be guilty of contempt.

Vendors to verify accounts on Oaths when required.

XVIII. All persons appointed by the Board of Revenue, or other authority exercising the powers of that Board, to be vendors or distributors of stamps, shall verify by affidavit or affirmation their respective accounts, whenever they may be required by the Board or other authority aforesaid to do so; and if any vendor or distributor shall refuse or neglect to verify his accounts within such reasonable time as he shall be called upon to do so by the said Board, or any member thereof, he shall for every such offence forfeit the sum of rupees five hundred.

Modification of Regulation X. 1814.

XIX. *First.*—So much of Regulation X. 1814, as prescribes that engagements between Government and individuals for the provision of the Honourable Company's investment, may be written on unstamped paper, is hereby rescinded.

Instruments and writings relating to matters of or belonging to the Commercial Department to be written on stamped paper of the same value as is prescribed for individuals.

Second.—All such engagements, and generally all deeds, instruments and writings chargeable with a stamp duty, which may be executed by, or to any officer of Government in the Commercial Department, or on account of any commercial concern of or belonging to the Honourable Company, shall be written on stamped paper, of the same value as is or may be prescribed for the like deeds or instruments in the case of private individuals.

N° 1.

SCHEDULE referred to in the Body of the Regulation, containing the Duties chargeable on Instruments of Conveyance, Contract, Obligation, and Security for Money, and on Deeds in general.

	Sa. Rs.	As.
AGREEMENT, or any minute or memorandum of an agreement concerning any matter or thing of the value of 500 rupees, or upwards, not otherwise charged in this schedule, nor expressly exempted from all stamp duty, whether the same be only evidence of a contract, or obligatory upon the party - - - - - - - - - - - - - - - -	8	0

EXEMPTIONS:

Memorandum of agreement for the hire of labour.

Ditto for the sale of goods under the value of 500 rupees, and all agreements carried on by letter and the like between merchants and other persons residing 40 miles from each other.

ASSIGNMENTS, if not of the nature specified under the heads of conveyances and settlements, not specially exempted - - - - - - - - -	8	0

BILLS

		Sa. Rs.	As.
Bills of Exchange, drafts, promissory notes, hoondies, teeps, burats, or other order or obligation for the payment of money payable (if payable within the provinces subordinate to the Presidency) at sight, or at any stated period, not exceeding three months after date, or ninety days after sight, (not being a deed, instrument or writing, bearing the attestation of one or more witnesses) together with all bills of exchange payable out of the the said provinces, at whatever date :—			
If for a sum of money, not exceeding	25 rupees	0	1
Above 25 rupees, and not exceeding	50 ditto	0	2
Ditto 50 ditto ditto	100 ditto	0	4
Ditto 100 ditto ditto	200 ditto	0	8
Ditto 200 ditto ditto	400 ditto	0	12
Ditto 400 ditto ditto	800 ditto	1	0
Ditto 800 ditto ditto	1,600 ditto	1	8
Ditto 1,600 ditto ditto	3,000 ditto	2	0
Ditto 3,000 ditto ditto	5,000 ditto	2	8
Ditto 5,000 ditto ditto	10,000 ditto	4	0
Ditto 10,000 ditto ditto	20,000 ditto	6	0
Ditto 20,000 ditto ditto	30,000 ditto	8	0
Ditto 30,000 ditto ditto	50,000 ditto	12	0
Ditto 50,000 ditto ditto	100,000 ditto	16	0
Ditto 100,000 ditto		20	0
Promissory Notes, written on paper of the above value, shall not be re-issued after payment. Promissory Notes intended to be re-issued, shall be charged as follows:			
If for a sum of money, not exceeding	25 rupees	0	2
Above 25 rupees, and not exceeding	50 ditto	0	4
Ditto 50 ditto ditto	100 ditto	0	8
Ditto 100 ditto ditto	200 ditto	0	12
Ditto 200 ditto ditto	400 ditto	1	0
Ditto 400 ditto ditto	800 ditto	1	8
Ditto 800 ditto ditto	1,600 ditto	2	0
Ditto 1,600 ditto ditto	3,000 ditto	2	8
Ditto 3,000 ditto ditto	5,000 ditto	4	0
Ditto 5,000 ditto ditto	10,000 ditto	6	0
Ditto 10,000 ditto ditto	20,000 ditto	8	0
Ditto 20,000 ditto ditto	30,000 ditto	12	0
Ditto 30,000 ditto ditto	50,000 ditto	16	0
Ditto 50,000 ditto ditto	100,000 ditto	20	0
Ditto 100,000 ditto		32	0
Note :—The Governor General in Council reserves to himself the power of admitting any bank or company to compound for the stamp duty chargeable on the notes issued by it. Notice of such arrangements to be given in the Government Gazette			
Foreign Bills of Exchange, drawn in sets, for every bill of each set, where the sum made payable thereby may not exceed 400 rupees		0	8
More than 400 rupees, but not exceeding	800 rupees	0	12
Ditto 800 ditto ditto	1,600 ditto	1	0
Ditto 1,600 ditto ditto	3,000 ditto	1	8
Ditto 3,000 ditto ditto	5,000 ditto	2	0
Ditto 5,000 ditto ditto	10,000 ditto	2	8
Ditto 10,000 ditto ditto	20,000 ditto	4	0
Ditto 20,000 ditto ditto	30,000 ditto	6	0
Ditto 30,000 ditto ditto	50,000 ditto	8	0
Exceeding 50,000 ditto		12	0

EXEMPTIONS:

Bills of exchange drawn, and promissory notes issued by Government officers having authority to draw bills upon the Government treasuries, or to issue promissory notes, or other acknowledgements on account of Government.

All drafts or orders for the payment of any sum of money to the bearer on demand, drawn upon any bank, banker or agent, residing within twenty miles of the place where such draft or order shall be issued, such place being specified on the face of the draft.

Bills of Lading of, or for any goods to be exported	1	0
Bills of Sale.		
An absolute bill of sale. See Conveyances.		

	Sa. Rs.	As.
Bill of sale as a security, being the principal or only deed whereby the property is conveyed. See Mortgage.		
Bill of sale as a security, being merely a collateral one, with some deed or instrument that has paid the *ad valorem* duty prescribed for conveyances -	8	0
Bonds, tumusooks, or other deed or instrument, or other written obligation for the payment of money, bearing the attestation of one or more witnesses, promissory notes, or other obligations as aforesaid, payable at a period exceeding three months after date, or ninety days after sight:		
If for any sum not exceeding - - - - - 25 rupees - -	0	2
Above 25 rupees, and not exceeding - - 50 ditto - -	0	4
Ditto 50 ditto - - ditto - - - - 100 ditto - -	0	8
Ditto 100 ditto - ditto - - - - 200 ditto - -	1	0
Ditto 200 ditto - - ditto - - - - 300 ditto - -	2	0
Ditto 300 ditto - - ditto - - - 500 ditto - -	4	0
Ditto 500 ditto - - ditto - - - - 1,000 ditto - -	6	0
Ditto 1,000 ditto - - ditto - - - - 2,000 ditto - -	10	0
Ditto 2,000 ditto - - ditto - - - - 3,000 ditto - -	16	0
Ditto 3,000 ditto - - ditto - - - - 5,000 ditto - -	20	0
Ditto 5,000 ditto - - ditto - - - - 10,000 ditto - -	32	0
Ditto 10,000 ditto - - ditto - - - 20,000 ditto - -	40	0
Ditto 20,000 ditto - - ditto - - - - 30,000 ditto - -	50	0
Ditto 30,000 ditto - - ditto - - - - 50,000 ditto - -	64	0
Ditto 50,000 ditto - - ditto - - - - 75,000 ditto - -	70	0
Ditto 75,000 ditto - - ditto - - - - 100,000 ditto - -	80	0
Ditto 100,000 ditto - - ditto - - - - 150,000 ditto - -	100	0
Ditto 150,000 ditto - - ditto - - - - 200,000 ditto - -	120	0
Ditto 200,000 ditto - - - - - - - - - - -	150	0
Bonds, concerning respondentia and bottomry. *Ad valorem* as above.		
Bonds given as security for the transfer of Government securities, or for the payment of an annuity for a fixed period, or for the delivery or accounting for any matter or thing capable of being valued, shall be charged at the rate of the amount engaged to be paid or accounted for, or at the value of the thing to be delivered or transferred.		
Bonds for annuities for an indefinite period, such as life annuities, and the like, shall be charged at the rate of ten times the yearly payment.		
Bonds, where the amount of the money to be secured, or ultimately recovered, shall be uncertain and unlimited - - - - - - - - -	150	0
Where the amount is limited to a certain sum:—[The same as on a bond for such limited sum.]		
Bonds taken as collateral security, with some deed or instrument that has paid the *ad valorem* duty, prescribed for conveyances or money bonds, or as security for the performance of any other contract, covenant or agreement, not being for the payment of money, the transfer of property, or the satisfaction of any pecuniary demand - - - - - - - - - -	8	0
Bonds of indemnity - - - - - - - - - -		
Bonds for the due execution of an office or work, and all other bonds not otherwise charged or exempted from duty - - - - - -		

EXEMPTIONS:

Arbitration bonds

Bonds given to or by the officers of Government on account of any matter or thing of or belonging to the Government in its political or territorial capacity.

Security bonds, which may be taken by, or by order of any court, collector, or other judicial or revenue authority, razeenamahs, sooluhnamas and ruffanamahs, filed in any suit pending in a court of justice, shall be charged as prescribed in the regulations already in force or hereafter to be enacted.

Charter Parties, or any agreement or contract for the charter of any ship or vessel, or any memorandum, letter or other writing between the captain, master or owner of any ship or vessel, and any other person, for or relating to the freight or conveyance of any money, goods or effects on board of such ship or vessel - - - - - - - - - - - -	8	0

EXEMPTIONS:

Charter Parties of ships or vessels taken up by Government for the conveyance of troops or military stores, or for other political purposes.

	Sa. Rs.	As.
CONTRACTS or DEEDS, if not otherwise charged nor exempted from duty -	8	0
COPARTNERSHIP, deeds of - - - - - - - - - -		
COMPOSITION deeds, or other instruments of composition, between a debtor or debtors, and his, her or their creditors - - - - - - -		

CONVEYANCES, whether grant, disposition, assignment, transfer, renunciation, or of any other kind or description whatsoever, upon the sale of any lands, tenements, rents, annuities or other property, real or personal, heritable or moveable, or of any right, title, interest or claims in, to, out of or upon any lands, houses, rents, annuities or other property; that is to say, for or in respect of the principal or only deed, instrument or writing, whereby the property sold shall be conveyed to or otherwise vested in the purchaser or purchasers, or to some other person, by his or their direction:

| | | |

EXEMPTIONS:	Sa. Rs.	As.
Copies made for the private use only of any person having the custody of the original instrument, or of his or her attorney or solicitor.		
Copies of papers which public officers are directed by any general Regulation to make, require or furnish, not specially declared chargeable with stamp duty.		
Note:—Copies of records, accounts, or other documents required by individuals from the public offices, not specially charged with or exempted from duty; together with copies of decrees and proceedings of the courts of judicature, shall be charged in the manner and subject to the conditions prescribed in Section XIX. Regulation I. 1814, and other provisions of the existing Regulations.		
DEEDS of any kind, not otherwise particularized in this schedule - - -	8	0
EXCHANGES. Any deed whereby any real property shall be conveyed or surrendered in exchange for other property.		
If no sum of money shall be paid, or agreed to be paid, for equality of exchange - - - - - - - - - - - - - -	8	0
And if any sum of money be paid, or agreed to be paid, for equality of exchange:—[The same *ad valorem* duty as for a conveyance for such sum.]		
ENGAGEMENTS to cultivate, provide, or deliver indigo plant, or to produce, manufacture, provide, or deliver any other article of commerce, in consideration of advances made:—[Shall be charged on the amount advanced at the rate of bonds or other obligations for the payment of money payable at a period exceeding three months after date.]		
LEASES. Any lease made in perpetuity, or for a term of years or period determinable with one or more lives, or otherwise contingent in consideration of a sum of money paid in the way of premium, fine, or the like, if without rent:—[The same duty as for a conveyance or sale for a sum of the amount of such consideration.]		
Any lease of lands, houses or other real property, at a yearly rent, without any payment of any sum of money by way of fine or premium - - -	—	
Where the yearly rent shall exceed twelve rupees, but shall not exceed twenty-four rupees - - - - - - - - - - - - -	0	8
Exceeding 24 rupees, but not exceeding - - 50 rupees - -	0	12
Ditto 50 ditto - - ditto - - - - 100 ditto - -	1	0
Ditto 100 ditto - - ditto - - - - 250 ditto - -	2	0
Ditto 250 ditto - - ditto - - - - 500 ditto - -	4	0
Ditto 500 ditto - - ditto - - - - 1,000 ditto - -	8	0
Ditto 1,000 ditto - - ditto - - - - 2,000 ditto - -	12	0
Ditto 2,000 ditto - - ditto - - - - 4,000 ditto - -	16	0
Ditto 4,000 ditto - - ditto - - - - 6,000 ditto - -	20	0
Ditto 6,000 ditto - - ditto - - - - 10,000 ditto - -	32	0
Ditto 10,000 ditto - - ditto - - - - 50,000 ditto - -	64	0
Above 50,000 ditto - - - - - - - - -	80	0
Any lease of lands, houses or other real property, stipulating for a yearly rent, and granted in consideration of a fine or premium:—[Shall be charged with both *ad valorem* duties above provided.]		
The counterpart of any lease charged with a duty exceeding eight rupees, shall likewise be executed on paper, vellum or parchment, bearing a stamp of	4	0
EXEMPTIONS:		
All leases or pottas, when the annual rent shall not exceed twelve rupees.		
All leases or pottas given by authority of Government, or of the Board of Revenue, or other authority exercising the powers of that Board, and of the Court of Wards; pottahs, cuboolyuts, and other instruments of contract relating to the rent of land executed between any zemindar, talookdar, farmer, or other sudder malgoozar, or any holder or proprietor of land exempt from the payment of revenue, or any mofussil talookdar, ijaradar, kutkenadar, or other leaseholder, or the gomasta, factor or other agent of such zemindar or other person aforesaid on the one part, and a ryot or other actual cultivator on the other, for the land tilled by him.		
Note:—All leases, pottahs, cuboolyuts, or other similar instruments of contract between zemindars, talookdars, or other holders or proprietors of land, whether subject to the payment of revenue to Government or otherwise, farmers, kutkenadars, ijaradars, or other tenants, and any other talookdar, kutkenadar, ijaradar or other leaseholder intermediate between the ryots or actual cultivators and the sudder malgoozar or lakherajdar, shall be written on stamped paper of the value above prescribed.		

	Sa. Rs.	As.
LETTERS or powers of attorney, or commission, or factory in the nature thereof.		
Powers to perform any one special, that is to say, particular act, or the acts connected with one particular suit, case or transaction, or sundry acts to be done, after a manner specified in the instrument - - - - - -	2	0
General - - - - - - - - - - - - - - - -	4	0

EXEMPTIONS:

Wukalutnamahs executed to regular pleaders of the Sudder Dewanny Adawlut, or any of the subordinate Court of Judicature, authorizing them to prosecute or defend suits therein pending, or to present or make any miscellaneous petition, application or motion to the court, which shall be charged according to the Regulation I. 1814.

Mookhtarnamahs, executed by native officers and soldiers, belonging to the regular corps on the military establishment of the Presidency of Fort William.

LETTERS OF LICENCE from creditors to debtors - - - - - -	8	0
MORTGAGES. And deed of mortgage or conditional sale, with or without possession given of any lands, estate, or property real or personal, intended as a security for money due or to be lent thereupon, also any deed or contract, accompanied with a deposit of title deeds to any property where the same may be made as a security for payment of money due or lent at the time:—[Shall be charged after the same manner and at the same rates as if, in lieu of such deed of mortgage or the like, a bond had been taken for the sum due or lent at the time.]		
Deeds of mortgage or the like given as security for the transfer of Government securities, or for the payment of an annuity for a fixed period, or for the delivery at a future date of any matter or thing capable of being valued:—[Shall be charged at the rate of the total amount assured, or of the *bonâ fide* value.]		
Deeds of mortgage given for the security of annuities for an indefinite period, such as life annuities and the like:—[Shall be charged at the rate of ten times the annual payment.]		
Where the total amount secured by such mortgage is unlimited - - -	150	0
Where it may be stipulated that the amount secured by such mortgage shall not exceed a certain sum:—[At the rate of such limitation.]		
Note:—Where a bond may have been already taken for the amount secured, or where from any other cause the mortgage shall act merely as collateral security to some other transaction, already charged with the *ad valorem* duty thereupon, the same being specified in the body of the deed of mortgage - Likewise in case of there being more deeds than one required to execute the mortgage in the manner desired by the parties, the principal deed only shall be charged with the *ad valorem* duty, and all other deeds connected with the same transaction - - - - - - - - - - - -	8	0
Acknowledgments or promissory notes granted to the treasurer or other officer of the Bank of Bengal, on account of the Bank, or to any private banker or agent for loans or advances made on the deposit of Government securities, bullion, plate, jewels or other goods, and payable within three months after date, shall be charged as promissory notes. If payable at a date exceeding three months, shall be charged as deeds of mortgage.		

EXEMPTION:

Mortgages to which Government in its political or territorial capacity, or the officers of Government acting for the Government in matters relating to its political or territorial concerns, are parties.

PARTITION.—Any deed of partition of real or personal property adjusted by mutual agreement amongst coheirs, coparceners or the like - - -	8	0
And if any sum or sums of money shall be paid or agreed to be paid for equality of partition:—[The principal deed stipulating for such payment shall be charged with the *ad valorem* duty prescribed for a conveyance or sale for an equal sum.]		
On partition of estates made by collectors of land revenue, whether on application of the parties or any of them, or in execution of a decree of court, if the value of the portion allotted to each sharer shall exceed 800 rupees, a stamp duty of the above amount shall be charged on each copy of the paper of partition or other title deed which may be taken out by any of the parties after the partition shall have been approved by the Revenue Board.		

	Sa. Rs.	As.
Where the portion of each sharer shall not exceed 800 rupees, the following rate of duty shall be chargeable:		
If the value of each portion shall not exceed - - - 100 rupees - -	0	8
More than 100 rupees, but not exceeding - - - - 200 ditto - -	1	0
Ditto 200 ditto - - ditto - - - - - - 400 ditto - -	2	0
Ditto 400 ditto - - ditto - - - - - - 600 ditto - -	4	0
Ditto 600 ditto - - ditto - - - - - - 800 ditto - -	6	0
POLICY OF ASSURANCE, or Insurance, or other instrument, by whatever name the same shall be called, whereby an insurance shall be made upon any life or lives, or upon an event depending upon any life or lives.		
	sa. rs.	
Where the sum insured shall not exceed - - - - - - 5,000 - -	4	0
Exceeding 5,000 rupees, but not exceeding - - - - 10,000 - -	8	0
Ditto 10,000 ditto - - ditto - - - - - - - 20,000 - -	12	0
Ditto 20,000 ditto - - ditto - - - - - - - 50,000 - -	16	0
Above 50,000 ditto - - - - - - - - - -	20	0
Policy of insurance of any ship, vessel, sloop, lighter, boat or the like, any goods or property on board, or upon the freight of any ship, vessel, sloop, lighter, boat or the like, or upon any other interest relating thereto, or upon any voyage where the premium shall not exceed 2 per cent on the sum insured, if the whole sum insured shall not exceed 1,000 rupees - -	0	8
If the sum insured exceed 1,000 rupees, then for every 1,000 rupees; and also for any fractional part of 1,000 rupees whereof the same shall consist	0	8
Where the premium shall exceed two per cent on the sum insured, if the whole sum shall not exceed 1,000 rupees - - - - - - - -	1	0
If the sum insured exceeds 1,000 rupees, then for every 1,000 rupees; and also for any fractional part of 1,000 rupees whereof the same shall consist -	1	0
PROMISSORY NOTES. Payable to the bearer on demand at sight, or at any stated period, not exceeding three months after date, or 90 days after sight: —[See Bills of Exchange.]		
Promissory notes. Payable at a period exceeding three months after date, or 90 days after sight:—[See Bonds.]		
Promissory notes. For the payment of any sum by instalments, or for the payment of several sums at different dates, so that the whole of the money to be paid shall be definite and certain:—[The same duty as would be chargeable on a bond for the whole amount.]		
All receipts for money deposited in any bank, or in the hands of any banker or agent, if the same shall stipulate for the payment of interest upon the money so deposited or in hand, shall be deemed and taken to be promissory notes.		
RECEIPTS or DISCHARGES given for, or upon the payment of any sum of money not exceeding 32 rupees - - - - - - - - -	0	1
Exceeding 32 rupees, not exceeding - - - 100 rupees - - -	0	2
Ditto 100 ditto - - ditto - - - - 200 ditto - - -	0	4
Ditto 200 ditto - - ditto - - - - 500 ditto - - -	0	8
Ditto 500 ditto - - ditto - - - - 1,000 ditto - - -	0	12
Ditto 1,000 ditto - - ditto - - - - 2,000 ditto - - -	1	0
Ditto 2,000 ditto - - ditto - - - - 3,000 ditto - -	1	8
Ditto 3,000 ditto - - ditto - - - - 5,000 ditto - - -	2	0
Ditto 5,000 ditto - - ditto - - - - 8,000 ditto - -	2	8
Above - - - - - - - - - 8,000 ditto - - -	4	0
Also for a receipt in full of all demands - - - - - - - -	4	0
And any instrument, note, memorandum or writing given upon the payment of money, whereby any money, debt or demand, or the part thereof therein specified, shall be expressed or acknowledged to have been paid, settled, or otherwise satisfied, shall be deemed to be a receipt for the amount so declared to be paid or satisfied.		
And if any such instrument or other writing shall contain a general acknowledgement of the settlement of debts, accounts, or other demands, without specifying the amount thereof, such instrument or writing shall be deemed and taken to be a receipt in full of all demands, and charged accordingly.		
And if payment be made by delivery of a bill or bills of exchange, draft or drafts, promissory notes, or the like securities of money, the receipt or acknowledgment given thereupon shall be deemed to be a receipt within the meaning of this schedule.		

EXEMPTIONS:

EXEMPTIONS:

Receipts for money paid or received by any officer of Government, on account of Government.

Receipts or discharges for the rent of land granted by any zemindar, talookdar, farmer, or other malgoozar, or by any holder or proprietor of land held exempt from the payment of revenue, or by any mofussil talookdar, ijaradar, kutkenadar, or other leaseholder, or by the gomasta, factor, or other agent of such zemindar, or other person aforesaid, to a ryot or other actual cultivator, for the rent of land tilled by him.

Note:—Receipts or discharges granted by any zemindar, talookdar, or other holder or proprietor of land, or by any farmer, kutkenadar, ijaradar, or other tenant, to any other talookdar, kutkenadar, ijaradar, or other leaseholder intermediate between the ryots or actual cultivators, and the sudder malgoozar or lakherajdar, shall be written on stamped paper of the value above prescribed.

Receipts or discharges given for the purchase-money of any Government securities, or shares of the Bank of Bengal.

Receipts and discharges given for money deposited in any bank, or with any agent to be accounted for on demand, provided no interest be stipulated as payable thereon.

If interest be stipulated, such receipt shall be chargeable as a promissory note.

Receipts or discharges written upon promissory notes, bills of exchange, drafts or orders for the payment of money duly stamped.

Letters by the post, acknowledging the arrival of any promissory notes, bills of exchange, or other securities for money.

Receipts or discharges written upon or contained in any bond, mortgage, or other security, or any conveyance, deed, or other instrument duly stamped, acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest or annuity thereby secured.

SETTLEMENTS. Any deed or instrument whereby any sum or sums of money, or any government securities, or other property, real or personal, shall be settled, or agreed to be settled, upon or for the benefit of any person or persons in any manner whatsoever, shall be charged with the *ad valorem* duty, chargeable for a bond for the amount or value settled, or agreed to be settled; or in cases in which the value shall be indeterminate at the rate of 100 rupees.

Deeds of gift and dower, whether to take effect on the instant or at a future period, determinate or indeterminate, shall be charged as deeds of settlement.

EXEMPTIONS:

Wills, testaments and the like, together with deeds merely declaratory of trust, pursuant to any previous settlements, deed or will.

GENERAL EXEMPTIONS:

Deeds, instruments and writings of any kind, in which Government, or any board, commission, court or public officer, may in a public capacity be a party, save and except deeds, instruments and writings relating to matters of or belonging to the Commercial Department, shall not be chargeable with any stamp duty.

N° 2.

Form of Licence to be granted.

Whereas, A. B. has duly executed the engagement required by clause section Regulation 1820, to be executed by persons authorized to sell stamps as hereunto annexed, and has given sufficient security for the performance of the same, I, C. D. collector of do hereby authorize the said A. B. to be a stamp vendor, and

to open an office for the sale of stamps at in pergunnah in the district under my charge. Let him carefully and faithfully execute the several stipulations into which he has entered.

" Given under my hand and seal this day of

(signed) *C. D.*
Collector.

Copy of engagement entered into by A. B. and referred to in the above licence.

(*Here enter Engagement.*)

(A true Copy.)

(signed) *C. D.*
Collector.

N° 3.

Form of Engagement to be executed by Persons appointed to the Office of Stamp Vendor.

I, A. B. appointed to vend stamps at C——, in the pergunnah of D——, in the district of E———, do hereby engage faithfully to observe the following conditions:

1st. That I will carefully examine every stamped paper which may be entrusted or delivered to me for sale, and certify in my receipts for the same, that such paper bears the stamp of Government, and the signature of the superintendent, or his assistant, in all cases in which such signature is required.

2d. That I will not charge more for any stamp or stamps entrusted or delivered to me for sale than the established price for such stamp or stamps.

3d. That I will not in any case sell or deliver any stamp or stamps without having previously received the full established price of the same.

4th. That I will monthly prepare and deliver to the stamp darogah, or such persons as may be authorized to receive the same, a faithful account of all the stamped paper which may be sold by me, and will likewise specify the balance which may remain in store under my charge.

5th. That I will faithfully and regularly pay into the public treasury the amount received by me on the sale of stamps delivered to me, to be disposed of on account of Government at such periods as may be directed, and will carefully preserve all papers so entrusted to me whilst they remain in my custody, being at all times ready to deliver up to the collector all that I may not sell.

6th. That I will monthly prepare a faithful account of all the stamped paper which may be delivered to me, specifying the quantity and value of the paper sold in each month, and the balance which may remain in store at the expiration of it, in such manner as may be directed. The said account I will monthly deliver to the stamp darogah, or such person as may be authorized to receive it, at such period as may be fixed for that purpose.

I will, moreover, at all times obey any orders which may be issued from the huzoor for the delivery or exhibition of my accounts, and the balance of any stamped paper or cash belonging to Government, together with all sunnuds, perwannahs or other documents which may be in my possession.

Whenever I may sell or deliver stamped paper to any one, I will carefully and truly certify the sale or delivery, and the date thereof, on the back of each sheet of paper sold or delivered, with any further particulars that may be specially directed, and I will attest the indorsement with my signature.

I will at all times have my licence, with the table of stamp duties, which I have received from the huzoor, stuck up in a conspicuous place in the cutcherry-room, or other place in which I may sell stamps, and carefully obey any further directions I may receive from the huzoor in respect to the public notification of the trust now vested in me.

I will at all times furnish persons applying for stamped paper with the paper required by them, without any unnecessary delay. If any one shall apply to me for paper of a description not in my possession, I shall, without loss of time, represent the circumstance to the huzoor I will use all my endeavours to promote the sale of stamped paper, and to explain to my neighbours the orders of Government on the subject.

III.

REGULATIONS

Passed by the Governor in Council of *Fort St. George*, in the Year 1823. N° I. to III.

A. D. 1823. REGULATION I.

A REGULATION prescribing the course of proceeding to be observed in regard to Suits instituted in the Courts of Adawlut against the Public Officers of Government:—Passed by the Honourable the Governor in Council of Fort St. George, on the 3d January 1823.

Preamble.

WHEREAS the rules which were prescribed in Sections II. and III. of Regulation III. of 1809 (now rescinded), relative to the transmission to the Governor in Council of all petitions of complaint filed in the Courts of Adawlut against the public officers of Government, for acts done in their official capacity, previously to the officer complained against being called upon for his answer, were found to be productive of much inconvenience and delay; and it is deemed expedient that a course of proceeding should be prescribed for future observance that may be free from the same objections; the Honourable the Governor in Council has been pleased to enact the following Rules, to be in force from the date of their promulgation.

Plaints against public officers to be received and filed as other plaints.

II. *First.*—Whenever a petition of complaint may be preferred to any court of civil judicature against a Collector, or other public officer, amenable thereto, for acts connected with his official duties, the Judge or Judges of such Court shall receive and file the petition of complaint in the same manner as all other such petitions are received and filed, and shall issue the usual summons thereon.

Public officers against whom suits have been instituted may apply for reasonable time to refer to their official superiors before answering the plaint.

Second.—If the public officer, on receiving the summons, shall consider the case to be of such a nature as that he may either recommend to the Governor in Council to grant the redress sought by the petition, or request permission to defend the suit at the public expense, he shall immediately instruct the Government vakeel to appear for him, and to move the Court to grant him such specific time to put in his answer to the petition as may be necessary to enable him to make the requisite reference to the Board of Revenue, Board of Trade, or other official superior at the Presidency, and to receive orders thereon.

Courts authorized to grant such time, and to enlarge it on application.

III. The Judges of the several Courts are hereby authorized and directed to grant such reasonable time, for the purposes specified in the foregoing Section, to public officers, against whom petitions of complaint may have been filed in their respective Courts; and, when necessary, to extend the period so granted, on application being made to them by motion in the usual way.

In what cases such suits may be struck off the file.

IV. *First.*—In the event of the redress sought for by the plaint being granted, under orders from the superior authority, in consequence of a reference made under Clause second, Section II. of this Regulation, the Court in which the suit may have been filed, shall certify the amount of costs incurred by the plaintiff in the institution of his suit, and shall dismiss the cause from the file on payment being made of such costs, or on the plaintiff's filing a razeenama in the usual form.

The costs incurred in the institution of the suit not to be paid to plaintiff, unless he shows that he has before duly applied for redress and been refused.

Second.—Provided, however, that the plaintiff shall not be entitled to receive the costs referred to in the foregoing Clause, if he shall fail to prove to the satisfaction of the Court, on being called upon so to do, that before instituting the suit, he applied to the public officer for the redress which by his plaint he has sought to obtain, and that his application was rejected.

A. D. 1823. REGULATION II.

A REGULATION for authorizing a Special Appeal from the Decrees of Registers and Sudder Ameens, and for modifying the provisions of Section XIV. Regulation VIII. of 1816:—Passed by the Honourable the Governor in Council of Fort St. George, on the 3d of June 1823.

Preamble.

WHEREAS the Regulations now in force make no provision for the admission of a second or special appeal from the decrees which Registers and Sudder Ameens may pass in cases of appeal referred to them by the Judges of the Zillah Court; and it is found necessary for the ends of justice, that such special appeals should be admissible: And whereas the rule contained in Section XIV. Regulation VIII. of 1816, relative to the issue of process in causes depending before Sudder Ameens is inapplicable to the cases of those Sudder Ameens who are the law officers of Provincial Courts stationed at places where no Zillah Court is established, and it is necessary to provide for the due execution of process in such cases; the Honourable the Governor in Council has been pleased to enact the following Regulation, to be in force from the date of its promulgation.

Special Appeals shall be admissible from decrees of Registers and Sudder Ameens.

II. A second or special appeal shall be admissible by the Judge of a Zillah Court from any decree passed by a register or sudder ameen within his jurisdiction; subject, however, to the same rules and restrictions as are prescribed for the admission of special appeals by the Provincial Courts.

The law officers of Provincial Court, where no Zillah Court is established, may issue process under their own seal and signature.

Except process of Attachment, whether of person or property.

III. *First.*—Whenever the station of a Provincial Court may be fixed at a place where no Zillah Court is established, the law officers of such Provincial Court shall be authorized, as sudder ameens, to issue, under their own seal and signature respectively, any summonses, notices, or other process of citation that may be necessary to procure the attendance of parties and witnesses in order to the due examination of any cause depending before them: provided, however, that no process of attachment, whether of person or property, either for the execution of any decree, or for the levy of any fine, or for any other purpose, shall be issued, except under the seal of the Zillah Court, and the official signature of the Judge or Register, as provided by Section XIV. Regulation VIII. of 1816.

How such process shall be served.

Second.—The process which sudder ameens of Provincial Courts are authorized by this Regulation to issue under their own seal and signature, shall be served by the parties applying for the same, or their vakeel, or any other person whom they may choose to employ for that purpose: provided, however, that the name of the person intended to be employed in this duty be in all cases indorsed on the process by the sudder ameens previously to its being delivered to the party, or his vakeel, for execution.

Such process to be endorsed with a written acknowledgment of service by the person on whom it is served.

Third.—The person by whom process may be served, shall require from the person on whom it is served, a written acknowledgement, to be indorsed on the process, signifying that it has been duly served upon him, and shall require some of the neighbours, or other inhabitants, to witness the due service of the process.

A. D. 1823. REGULATION III.

A REGULATION for rescinding Section XI. Regulation IX. of 1822, and for declaring the powers of Subordinate and Assistant Collectors, in the execution of the provisions of Regulation IX. of 1822:—Passed by the Honourable the Governor in Council of Fort St. George, on the 8th August 1823.

Preamble.

WHEREAS the reference to the Board of Revenue required by Section XI. Regulation IX. of 1822, to be made by Collectors before any judgment passed by them under Section IV. of that Regulation can be carried into execution, has been found inconvenient in practice and otherwise objectionable; and it is expedient that the said rule be rescinded, and that the Board of Revenue be vested with general power to suspend the execution of any judgment so passed which to them may seem improper; the Honourable the Governor in Council has been pleased to enact the following Rules, to be in force from the date of their promulgation.

II.

II. *First.*—Section XI. Regulation IX. of 1822, is hereby rescinded. Recission.

Second.—Collectors will transmit such periodical or occasional reports of judgments passed under Section IV. of the above quoted Regulation as the Board of Revenue, may direct. And it shall be competent to the Board of Revenue whenever they may see fit, to order that any such judgment be not carried into execution, and to pass such further order on the case as to them may seem equitable and just. Collectors to transmit Reports of Judgment passed by them under Regulation IX. of 1822, which the Board of Revenue may, at their discretion, suspend.

III. *First.*—It is hereby declared, that every Subordinate Collector or Assistant to a Collector, to whom the general charge of the revenue administration within one or more talooks, or other portion of a district, has been confided, shall have full authority to execute within the portion of the district so placed under his charge, the powers granted to Collectors by Regulation IX. of 1822. Powers of Subordinate and Assistant Collectors in executing the provisions of Regulation IX. of 1822.

Second.—It is further hereby declared, that it is competent to Collectors, whenever they see fit, to delegate to their Subordinate Collectors or Assistants, the execution of the powers granted to them by Regulation IX. of 1822, either generally throughout the district, or specially for the conducting of any inquiry at the hoozoor station, or in any part of the district. Provided that the delegation of authority allowed by this Clause be made by a written document bearing the official signature of the Collector. Collectors may delegate the powers conferred by that Regulation specially to their subordinate officers.

IV.

REGULATION

Passed by the Governor in Council of *Fort St. George*, in the Year 1824.

A. D. 1824. REGULATION I.

A REGULATION for extending to the Criminal Courts the Rules prescribed in Section VII. Regulation III. 1802, for procuring the Attendance and Evidence of Witnesses:—Passed by the Honourable the Governor in Council of Fort St. George, on the 26th November 1824.

WHEREAS the rules contained in Section VII. Regulation III. 1802, for procuring the attendance and evidence of witnesses in the Civil Courts, have not been included in any Regulation for the Criminal Courts, and it is necessary that the provisions for compelling the attendance and evidence of witnesses in civil cases should be made equally applicable to witnesses in criminal cases; the Honourable the Governor in Council has enacted the following Regulation, to be in force from the date of its promulgation. Preamble.

II. Such parts of Section VII. Regulation III. 1802, as prescribed to the civil courts the rules for procuring the attendance and evidence of witnesses, and for administering oaths, or taking declarations equivalent to, and in lieu of such oaths, and likewise for inflicting punishments on persons, who being duly summoned, refuse to attend, or when attending refuse to give evidence, are hereby extended to the cases of witnesses whose attendance and evidence may be required by any Zillah Magistrate or Criminal Judge, or the Courts of Circuit, in any criminal trials or matters cognizable by them respectively. The Rules of Section VII. Regulation III. 1802, for obtaining the attendance and evidence of witnesses, extended to the cases of witnesses required by Magistrates, Criminal Judges and Courts of Circuit.

V.

REGULATION

Passed by the Governor in Council of *Bombay*, in the Year 1823.

A. D. 1823. REGULATION I.

A REGULATION defining the circumstances that constitute a Title to hold Land exempt, either wholly or partially, from the payment of Revenue; prescribing the rules of limitation in regard to actions of various descriptions, repealing certain Regulations now in force on those subjects, and enacting a special limitation, as to acknowledgments in writing, granted under former Governments by Cultivators:—Passed by the Honourable the Governor in Council on the 2d of April 1823, corresponding with the 7 first Chyter Vud Sumbut or Vikramajit era 1880; Salbahan 1745, and 19th Rujub 1238 of the Hijree.

Preamble.

WHEREAS justice requires that grants exempting land, either wholly or partially, from the payment of the Public Revenue, or a clear recognition of a defective or doubtful title to the same effect, when made by persons possessing authority for the purpose, should remain effectual, and that the persons possessing such authority, should, as far as possible, be generally known: And whereas it is expedient, that the enjoyment of exemption from revenue for a period of sixty years, should, in certain cases, be held as proof of sufficient title to the exemption: And whereas it is necessary to provide rules for trying the validity of titles to hold land exempt either in whole or in part from the payment of revenue: And whereas it is conducive to the public security and to the quieting of disputes, that a certain length of uninterrupted enjoyment should be held to supply defects of title to property of every description, and that actions should not be competent unless instituted within a reasonable time: And whereas from the want of a regular system under former Governments for administering justice in matters of a civil nature, an uncertainty prevailed whether the terms of engagements entered into would be rigidly enforced, in consequence of which, cultivators were easily induced to grant written obligations for larger sums than were due, and justice requiring that the consideration given for such writings should be proved; the following Rules are therefore enacted, to have effect from the date of their promulgation.

Enactments rescinded:

Former Enactments rescinded.

II. The following enactments viz. Regulation III. of 1814; the IV. Section of Regulation I. of 1817; the V. Section of Regulation VI. of 1817; and so much of Section XIII. of Regulation III. of 1819, and of Section IV. of Regulation III. of 1820, as relates to the operation of Regulation III. of 1814; Section XIII. of Regulation I. of 1800; and Regulation VI. of 1816, are hereby rescinded.

Of Titles to exemption from Revenue:

Title to hold Land wholly or partially exempt from Revenue.

III. *First.*—Whenever land is enjoyed either wholly or partially exempt from the payment of public revenue, under a deed or other writing granted by the present or any former Government, or by any of their public officers possessing authority to grant the same, such deed or writing shall remain valid, and be considered a sufficient title to the exemption.

Second.

Second.—Whenever land has been enjoyed, but not under a deed or writing, wholly or partially exempt from the payment of the public revenue, for more than sixty years in succession by any person, his heirs or others, deriving right from him, such enjoyment, provided it has been under some tenure recognized by the custom of the country in which the land is situated, and more particularly under any of those specified in Appendix (A.), shall be considered as a sufficient title to the exemption. But declaring that vichania and geranea shall, in no case, so far as the rights of Government are concerned, be considered as tenures recognized by the custom of the country, in the sense of this Clause.

Under recognized tenure joined with 60 years enjoyment of exemption.

Vichania and Geranea excluded.

Third.—But enjoyment of such exemption for 12 years antecedent to the date when the territory in which the land is situated came into the possession of the British Government, shall be considered as equivalent to enjoyment for 60 years, in terms of the preceding Clause.

Or 12 years under a native Government.

Fourth.—But such deed or writing, or such enjoyment, under a recognized tenure, shall not be considered a sufficient title, in so far as the exemption has been wholly or partially annulled by an order issued by the present or any former Government, or by any public officers possessed under a former Government of full and sufficient authority to grant deeds exempting lands from the payment of public revenue: or, so far as the land has been assessed, under an order not subsequently recalled, issued by any of the said public officers, and such assessment in any instance realized.

Exception where the Land has since been assessed by certain Authorities.

Fifth.—Nor shall such deed or writing, or such enjoyment under a recognized tenure, be considered as a sufficient title, if the land has been subsequently assessed for the period of twelve years, like other land of the same description, enjoying no exemption, and the assessment has been realized; but without prejudice to any suit filed in support of the title to exemption before the completion of the said period.

Or paid a full assessment for 12 years.

Sixth.—And where the assessment so levied for twelve years has not been to the extent of that imposed on other land of the same description enjoying no exemption, such assessment shall affect the title only to the extent of the assessment so made and realized.

Provision as to partial assessment.

IV. *First.*—Whenever land has been enjoyed without payment of public revenue for more than sixty years in succession by any person, his heirs, or others deriving right from him, such enjoyment shall be considered as sufficient title to the exemption.

Title to hold Land exempt from Revenue without a grant or recognized tenure, in what cases valid from length of enjoyment.

Second.—But such enjoyment for more than sixty years, without payment of public revenue, shall not be considered as a sufficient title to exemption, in so far as the land has been subsequently assessed under an order, not expressly recalled, issued by the present or any former Government, or by any public officers possessed under a former Government of full and sufficient authority to grant deeds exempting land from the payment of public revenue, and such assessment in any instance realized; or so far as the land, subsequent to such enjoyment for more than sixty years, has been assessed for the period of six years, and the assessment has been realized; but without prejudice to any suit filed in support of the title before the completion of the said period of six years.

Exception when the Land has since been assessed by certain officers.

Or paid Revenue for six years.

V. But whenever the title to hold any lands exempt in whole or in part from the payment of public revenue, shall have been clearly recognized by the present or any former Government, or by any public officer possessed under a former Government of full and sufficient authority to grant deeds exempting land from the payment of public revenue, such recognition shall be understood to have cured all defects to the extent of such recognition, and be, in so far, admitted as a sufficient title to the exemption.

Recognition of Title. Its effects.

VI. *First.*—Whenever land is held under a grant or usage, exempting one part of it wholly or partially from the payment of revenue, in consideration of another part being assessed at a higher rate than land of the same description enjoying no exemption, any act whereby a part of the land shall be separated from the other, by sale or otherwise, shall, so far as concerns the rights of Government, be null and void, until the extra assessment is laid upon the exempted land with the sanction of the Collector.

Land exempt from assessment not to be separated from Lands extra assessed, without the sanction of the Collector.

If the one is held in connection with the other.

Or the extra assessment has lasted 12 years, and has been paid.

Second.—And whenever land enjoyed wholly or partially exempt from the payment of revenue is held, by whatever title, by a person who holds other land, which has been assessed for the period of twelve years at a higher rate than land of the same description, enjoying no exemption, and the extra assessment has been realized; any act whereby a part of the land shall be separated from the other, by sale or otherwise, shall, so far as concerns the rights of Government, be null and void, until the extra assessment is laid upon the exempted land with the sanction of the Collector.

Lands exempt as Jagheer, liable to resumption and assessment.

VII. *First.*—Land held exempt as jagheer shall be liable to resumption and assessment under the general rules, at the pleasure of Government, when signified by order to the Collector; provided that such resumption or assessment shall not commence until one year after the incumbent shall have been served in the manner specified in Clause third, fourth and fifth of Section X., with a notice according to the form specified in Appendix (B.), accompanied with a copy of the order for resumption or assessment.

Lands exempt conditionally may be assessed.

Second.—And further, all land held exempt from the payment of public revenue, if such exemption was granted in consideration of service to be performed, or for the support of religious or other establishments, or for other special purposes, shall be liable to be assessed if the conditions of the grant are not fulfilled.

If the condition is not fulfilled.

But after notice.

Third.—Provided that no such assessment should be made until the person enjoying the exemption has received notice in writing, either from the Government, or any of its officers duly authorized, requiring him to fulfil the condition of the grant, and has failed so to do within the period specified in the grant, or if no period is so specified, for more than six months from the date of receiving the notice,

In cases of trust.

Fourth.—Provided also, that where the person enjoying the exemption holds it in trust for the benefit of others, as in the case of exemptions granted for the support of religious establishments, public works, &c., proclamation shall, at the time of giving the notice, be made, that the land will be assessed, and the assessment enforced, unless within the limited period the conditions of the grant are fulfilled, or a suit to enforce their fulfilment is filed by some person interested.

Proclamation how to be published.

Fifth.—The proclamation shall be read aloud in the most public part of the town or village within the limits of which the property is situated, and copies thereof shall be fixed up in a conspicuous part of the Zillah Court, in the Collector's cutcherry, and in the public market of the said town or village.

Officers recognized as having authority to make Grants.

VIII. *First.*—The public officers specified in Appendix (C.) are recognized to have possessed full and sufficient authority under former Governments to grant deeds or other writings exempting land, either wholly or partially, from the payment of public revenue.

The authority of others to be proved.

Second.—The validity of all such deeds or writings granted under former Governments by others than those specified in Appendix (C.) shall not be admitted without proof, that the person by whom they were granted possessed full and sufficient authority for the purpose.

The right of the Collector to assess Lands, or enforce such assessment without filing a Suit, and to be effected by any of the preceding Sections.

IX. Nothing contained in any of the preceding Sections of this Regulation shall affect the right of the Collector to assess lands of any description for the public revenue, and enforce such assessment, without previously filing a suit in Court.

When Land is held exempt from assessment, the Collector may issue a Notice of Assessment.

X. *First.*—When land, however, is enjoyed wholly or partially exempt from the payment of revenue, and the Collector has reason to believe that no sufficient title exists for its being so enjoyed, it shall be competent to him to call upon the occupant to defend his claim, specifying the mode of defence prescribed by Regulation, and the amount of assessment which he intends to impose upon the land in case the claim to exemption should not be defended.

Form and contents of the Notice.

Second.—The notice shall be in the form given in Appendix (D.) to this Regulation.

To be served on the holder; or in his absence, on his agent.

Third.—It shall be served by a peon of the Collector's upon the holder of the land, if he is resident within the limits of the zillah; and if he is not resident within the zillah, upon any person acting for him during his absence.

Fourth.

Fourth.—If the holder is resident in another zillah, and has no person acting for him in the zillah in which the land is situated, the notice shall be sent to the Collector of such other zillah, and be served in the manner above described.

Or forwarded to the holder in another Zillah.

Fifth.—And if the holder be neither known to reside, nor to have a person acting for him within the limits of any zillah, the notice shall be served upon the person in charge of the land.

Or on the person in charge of the Land.

XI. *First.*—The individual upon whom the notice is served shall be required to endorse upon it his acknowledgment that it has been received, specifying the date of such receipt.

Person served to endorse his receipt.

Second.—If the individual should omit to give such acknowledgment, the tender of the notice shall be deemed to be a sufficient service on the same, and the date of it being proved by the evidence of two persons residing on the land, or in the nearest village.

Otherwise the service to be proved.

XII. *First.*—If the holder or other person on whom the notice has been served, fails within two months from the date of its receipt to give a written answer, setting forth the grounds, whether resting on prescription or on specific grant, on which the claim to exemption is founded, or if he gives such answer, without exhibiting such evidence as may be required, either by the production of written documents, or by mentioning the names of witnesses whom he wishes to be summoned, as the case may be, the Collector, after duly considering the information in his possession, may, if he sees no sufficient proof of the right to exemption, proceed to levy the assessment specified in the notice.

If no answer is given the Collector may levy the assessment notified.

Second.—But the Collector shall, on due cause shown for delay, afford a reasonable period for the production of such evidence as the person attending to support the claim to exemption may desire to bring forward.

But the Collector must allow the occupant time for the production of evidence.

XIII. *First.*—If the person so attending, after giving in the written answer prescribed within the period specified in Clause first of the preceding Section, shall, on being called upon to produce evidence, exhibit a sunnud grant or other written document, or mention the names of witnesses whom he wishes to be summoned, it shall be the duty of the Collector, in the presence of the party, to examine all written documents, and to summon and take the depositions of witnesses in the same way and under the same rules as the general regulations prescribe in the trial of civil suits in the Zillah Court.

And evidence produced.

The Collector shall try the cause by the rules regarding civil suits.

Second.—But whereas it was enacted by Section II. Regulation III. A. D. 1814, that all grants for holding lands exempt from the payment of revenue in the islands of Salsette and Caranja, which shall have been made by competent authority previously to the 1st December A. D. 1774; and all such grants as may have been made in the territories ceded by the Nabob of Surat previously to the 13th of May 1800; and all such grants as may have been made previously to the 15th of March 1802 in the pergunnahs of Chowrassee and Chickly, granted as a free gift by the Guicawar to the Honourable Company; and all such grants as may have been made previously to the 5th of June 1803, in the territories ceded by the Guicawar; and all such grants as may have been made previously to the 31st December 1802 in the territories ceded by the Paishwa under the treaty of Bassien; and all such grants as may have been made previously to the 29th August 1803 in the district of Broach, of which the Company acquired possession on that day by conquest, shall be valid; and all persons holding lands exempt from the payment of public revenue, under grants made by competent authority previously to the several dates hereinbefore specified, shall continue to hold such lands without let or molestation, provided that such lands may not have escheated to the state, or may not have been resumed and assessed for the public revenue since the period of those dates respectively.

By Regulation III. A.D. 1814, all grants for holding lands exempt from the payment of Revenue, made previously to the following dates, to be valid.
In Salsette and Caranja, previously to the 31st December 1774.
In Surat, previously to the 13th May 1800.
In the Chowrasse and Chickly pergunnahs, previously to the 15th March 1802.
In the territories ceded by the Guicawar, previously to the 5th June 1803.
In the territories ceded by the Paishwa, previously to the 31st December 1802.
In Broach, previously to the 29th August, 1803.

Third.—And by Section XVIII. Regulation III. A. D. 1814, that a register shall be kept in each zillah of the lands held exempt from the payment of revenue previously to the dates hereinbefore specified, and such registers shall be corrected and renewed once in every five years. The registers shall specify the denomination of each grant or sunnud; the names of the original grantors and grantees; the names of the present possessors, with the relation they bear to the original grantees;

A register of exempted land to be kept in each Zillah.

What the register is to specify.

the dates of the sunnuds; the names of the villages comprised in the grant, with the extent of land specified in the local land measure; and the names of the pergunnahs in which the land may be situated. Such registers shall be denominated "Register of Lands exempt from the payment of Revenue, under grants not being badshahie or royal."

And what it is to be denominated.

By Regulation III. A. D. 1814, all grants for exempted lands to be registered.

Fourth.—And by Section XIX. that persons actually holding lands exempt from payment of public revenue under sunnuds granted previously to the dates hereinbefore specified, shall, whether the sunnud may or may not have been confirmed by competent authority, register the said particulars regarding their respective sunnuds in the offices of the Collectors of zillahs.

Collectors to require the registry of all exempted lands by public notice.

The notice to specify the information required.

Fifth.—And by Section XX. that Collectors of zillahs shall accordingly cause due notice to be given in all the cutcheries and public places of each zillah, by written instruments, requiring persons holding exempted lands to register their respective sunnuds; and the said notices shall specify the particular information required for the purpose of registration.

Period of time allowed for registering such lands, and the consequence of omission therein.

Sixth.—And by Section XXI. that when persons holding exempted lands may refuse or omit to register their titles during one whole year from the time of publishing the notice of the Collectors, such lands shall be liable to be assessed for the full amount of the public revenue in the same manner as other lands of the pergunnah not held exempt under sunnud, but such assessment shall not be fixed by Collectors, except by the sanction of the Governor in Council, previously obtained for that purpose, in writing.

Regulation III. A. D. 1814, when made applicable to other Zillahs.

Seventh.—And whereas Regulation III. A. D. 1814, was rendered applicable to other districts than those mentioned in Clause second, according to the enumeration contained, and on the dates respectively specified in Appendix (E.) to this Regulation.

Proclamation made in the Zillahs of Surat and Broach, the Eastern and Western Zillahs North of the Myhee, and the Zillahs of the Northern and Southern Conkan, therefore lands not registered liable to assessment.

Eighth.—And whereas the proclamation mentioned in Clause fifth has been made in the zillahs of Surat and Broach, the eastern and western zillahs north of the Myhee, and the zillahs of the northern and southern Conkan, it is hereby enacted, that in the above-mentioned zillahs no sunnud, not registered within one year after the proclamation above mentioned was made, shall be held by the Collector, or by any court of justice, to preclude the assessment of land in the manner specified in Clause sixth.

Written deeds to be examined and copied in the presence of the owner, and then returned.

Ninth.—When a written deed is produced the Collector shall, after examining the same, certify on the back of it the date on which it was produced before him, and, if desirous of having a copy of it, shall cause one to be made in the presence of the person who produced the deed, to whom he shall then return it.

Collector to summon witnesses on the part of Government, and examine them in the presence of the party.

XIV. *First.*—The Collector shall also summon witnesses on the part of Government, and in the presence of the party attending to support the claim to exemption, take their depositions on oath, and produce and cause to be read any written document on which he founds a right on the part of Government to assess the land, according to the terms of the notice.

Who may also examine them.

Second.—The holder of the land, or other person attending in suppport of his claim, shall be at liberty to examine such documents, and to question the witnesses on oath.

Resistance of summons or process, how to be punished.

XV.—Any person resisting any summons or other process of the Collector in any case depending before him under this Regulation, shall be subject to the same penalties as are enacted against persons resisting the process of the Zillah Court.

Persons refusing to swear or give evidence to be punished.

XVI.—Any person attending as a witness in any cause depending before the Collector under this Regulation, and refusing to be sworn or to give his evidence, shall be sent by the Collector to the Judge, by whom he shall be dealt with in the mode prescribed in the general Regulations for persons refusing to be sworn, or to give evidence in a cause depending before a court of justice.

Also persons giving false testimony.

XVII.—Any person giving false testimony before the Collector, in any proceeding depending before him under this Regulation, shall be held to be guilty of perjury, and shall be liable to be proceeded against in the mode prescribed in the general Regulation.

XVIII.

XVIII. *First.*—The Collector shall keep a record of his proceedings in the language most generally spoken in the zillah; the record shall contain copies of all the documents comprised in the inquiry, and copies of all the depositions taken, with references to the originals. It shall further contain the decision of the Collector, and a full statement of the grounds on which it is passed.

Collector to keep a record.

What it is to contain

Second.—A copy of the record shall, when the inquiry is closed, be given to the party attending in support of the claim of exemption.

A copy to be given to the party claiming exemption.

Third.—But in the case of persons specified in Section XII. Clause first, it shall not be necessary for the Collector to enter on his record any documents or evidence whatever, nor to furnish the parties with any information beyond his decision on the claim to exemption, to be communicated in writing, in the mode prescribed in Section X. Clauses 3d, 4th and 5th, for giving the notice of assessment.

Except under certain circumstances.

XIX. If the decision of the Collector be in favour of the right of the holder to enjoy the land as previously, such decision shall, after being communicated to the party, be reported by the Collector to Government, and if sanctioned by Government shall be final.

Collector's decision in favour of exemption final, if sanctioned by Government.

XX. If the decision of the Collector be against the right of the holder to the exemption claimed, he shall proceed to assess the land.

If against the exemption, assessment how to be made.

XXI. Whenever the holder of land held wholly or partially exempt from assessment, or any person appearing to support his claim, has given a written answer to the Collector's notice issued in conformity to Section X, and if the claim is founded on specific grant, has produced a written deed, or shown sufficient cause for not producing it, it shall not be competent to the Collector to leave the question undecided, without the consent of the party in writing; on receiving which, the Collector shall furnish him with a copy of the record of his proceeding, which shall contain an intimation, that his title has not been decided upon, and is subject to future examination.

Collector when obliged to decide the question of exemption, and when not so obliged.

XXII. In all cases of doubt, or whenever in the course of the inquiry it appears to the Collector, that although the claim to exemption has not been legally established, the holder from uninterrupted enjoyment for a considerable period, or from other causes, is entitled to indulgence, it shall be competent to the Collector to conclude a compromise, subject to the confirmation of Government, with the party, upon the principle of securing to him a portion of the advantages claimed.

A compromise may be concluded with the party claiming exemption.

XXIII. *First.*—The holder of land subjected to assessment by the Collector, under Section XII. Clause first of this Regulation, shall be at liberty to institute an original suit in the Zillah Court against the Collector within twelve or six years, according as the land, the subject of the suit, may come under the provisions contained in Section III. Clause fifth, or Section IV. Clause second, from the date when the Collector's decision was made known.

Original suit against the Collector, in what cases and for what period competent.

Second.—The holder of land subjected to assessment by the Collector under Section XX. of this Regulation, shall be at liberty to appeal to the Zillah Court from the Collector's decision, within the period, and subject to the rules prescribed for appeals from the Zillah Court to the Sudder Adawlut.

Appeal, to what cases and for what period competent.

Third.—But the holder shall, even if he gains his cause, pay the whole costs of suit, and forfeit at least one year's assessment of the land, and any further assessment which may have been levied up to the date of the decree, if a written answer was not given to the Collector's notice issued in conformity to Section X.

Holder subject to forfeitures, if no written answer was given to the notice.

Fourth.—He shall also be subject to the same penalties if such written answer was given, and the grounds of action subsequently stated in the petition of appeal are of a different nature from those urged in such answer.

Or if given, and the grounds of action different from those urged in such answer.

Fifth.—And also if the claim was grounded before the Collector on a written deed, and the holder produces before the court any written deed which was not produced before the Collector, without showing sufficient cause, and proving that such cause was assigned to the Collector, or adducing good reason for its not having been so assigned.

Or if a sunnud, previously withheld without good cause, is produced.

XXIV. If the written answer given in to the Collector stated that the proof of the claim rested on oral testimony, and the holder subsequently before the court calls

If oral testimony, previously withheld without cause, is produced.

Certain forfeitures exigible.

calls any witness who was not called before the Collector, without showing sufficient cause for his not having been called, and proving that the cause was assigned to the Collector, or adducing good reason for its not having been so assigned, the holder shall, even if he gains the cause, pay the costs of suit, and one year's assessment of the land; and be subject moreover to any part of the additional forfeiture specified in the preceding Section, in consideration of the degree in which he may be considered to have himself occasioned the assessment of the land by the non-production of evidence before the Collector, without sufficient cause for such non-production.

Suits and appeals against the Collector to be tried, and to be subject to appeal like others.

XXV. Suits and appeals instituted in the Zillah Court under this Regulation against the Collector, shall be conducted in the same way and under the same rules as all other suits, and shall be subject to the same provision in respect to the right of appeal.

Reservation of the right of Government to assess all lands.

XXVI. Nothing contained in the preceding Sections shall be understood to affect the right of Government to assess to the public revenue all lands under whatever title they may be held, whenever, and so long as the exigencies of the state may render such assessment necessary.

Of the limitation of Actions as to immoveable Property:

Title to immoveable property required by possession for thirty years.

XXVII. *First.*—Whenever lands, houses, hereditary offices or other immoveable property, have been held without interruption for a longer period than thirty years, whether by any person as proprietor, or by him, his heirs, or others deriving right from him, such possession shall be received as proof of a sufficient right of property in the same.

May be disputed within 60 years, in case of fraud.

Second.—But it shall be a sufficient answer to the plea of the possession for more than thirty years, that the person in possession as proprietor, or any of the persons by whom he derives his right, acquired such possession by fraudulent means; on proof whereof a suit may be entertained at any period within sixty years.

Bonâ fide possessor for 30 years not affected.

Third.—Provided that if such property has been held for more than thirty years by a person or persons *bonâ fide* believing his or their title as proprietors to be good, such title shall not be affected by the fraud of a former possessor.

Actions of damages reserved.

Fourth.—Nothing contained in this Section shall bar an action of damages brought within sixty years against any of the persons by whom the fraud was committed.

As to Actions of Damages for injury to the Person, or Slander:

Limitation of suits to 12 months from the offence, in suits for damages for injury to the person.

XXVIII. *First.*—It shall be a sufficient defence in all suits for damages on account of assaults, imprisonment, or other direct insult or injury to the person, that the cause of action arose more than twelve months before the suit was filed.

To 12 months from the injury becoming known, in suits for damages for calumny, &c.

Second.—It shall in like manner be a sufficient defence in all suits for damages on account of calumny or slanderous words, that the plaintiff had been in the knowledge of the calumny or slanderous words more than twelve months before the suit was filed.

As to Actions for Debts not resting on writing, and of Damages in general:

To six years for certain debts and damages.

XXIX. *First.*—It shall be a sufficient defence in all civil suits for debts not founded upon or supported by an acknowledgment in writing, and in all suits for damages other than those specified in Section XXVIII. of this Regulation, that the cause of action arose more than six years before the suit was filed.

How reckoned in running accounts.

Second.—But in the case of running accounts, the time shall be reckoned from the date of the last transaction.

As to all other Actions:

To 12 years for certain other debts, &c.

XXX.—It shall be a sufficient defence in all suits not falling under any of the limitations contained in the preceding Sections of this Regulation, that the cause of action arose more than twelve years before the suit was filed.

Special case of the Thacore of Bhownuggur:

Bhownuggur Thacore may plead that he acquired immoveable

XXXI. *First.*—In all cases in which actions may be brought against the thacore of Bhownugger for lands or other immoveable property, as specified in Section XXVII.

Clause

Clause first, it shall be a sufficient answer that he acquired, and has held possession of the same under a title conferring a *bonâ fide* right of property since the 31st December 1802. property before 31st December 1802.

Second.—And in regard to all other suits, it shall be a sufficient answer that the cause of action arose previous to the 20th July 1815. And in all other cases that the cause of action arose before 20th July 1815.

Third.—But subsequent to the dates specified in the two preceding Clauses, all actions against the Thacore of Bhownugger shall be subject to the usual limitations. After which periods respectively, all claims against him shall be subject to the usual limitations.

Exceptions:

XXXII. *First.*—It shall be a sufficient answer to a defence, resting on any of the limitations contained in Sections XXIX. and XXX. of this Regulation, that the claimant had demanded the money or matter in dispute before the time of the limitation was completed, or subsequent thereto, and that the defendant or the person from whom he derives right, had admitted the justice of the demand, on proof whereof the time of limitation shall be reckoned from the date of such admission. Period of limitation how reckoned in case of demand and acknowledgment.

Second.—But where the debt is founded upon, or supported by an acknowledgment in writing, the answer shall not be held sufficient unless the admission is also in writing. In case of acknowledgment in writing.

XXXIII. And it shall be a sufficient answer to a defence resting on any of the limitations, that the claimant, before the time of the limitation was completed, had preferred his claim to an authority possessing jurisdiction competent to try the demand, or that the parties had by mutual consent referred the matter in dispute to arbitration; on proof whereof, and on the claimant assigning satisfactory reason why there was no judgment, or award, the time of limitation shall be reckoned from the date of the last proceeding known to the defendant, in such claims or arbitration. In case of claim legally preferred.

XXXIV. *First.*—And it shall be a sufficient answer to a defence resting on any of the limitations, that contained in Section XXVIII. of this Regulation excepted, that the claimant had, from minority, been precluded from obtaining redress, on proof whereof, a suit may be entertained at any period not exceeding three years from his death, or attaining the age of eighteen years complete. In case of minority.

Second.—And it shall be a sufficient answer to a defence resting on any of the limitations, that contained in Section XXVIII. of this Regulation excepted, that the person having the right of action was insane, on proof whereof, a suit may be entertained at any period not exceeding three years from his death or recovery. Or insanity.

Third.—And in actions for damages to which the limitation contained in Section XXVIII. of this Regulation applies, a suit may be entertained at any period not exceeding one year, in the case of minority, from the death of the minor, or his attaining the age of eighteen years complete; and in cases of insanity, from the death of the insane person, or his recovery. Special provision as regards Section XXVIII.

XXXV. *First.*—If a person claims to recover property held in mortgage, pledge, pawn or deposit, or by other title conferring only a right of possession and not a right of ownership, in such case no length of time shall prevent the courts entertaining the suit. Rules for limitation of suits not to affect property granted in mortgage, &c.

Second.—But should such property have been held, if immoveable, for more than thirty years by a *bonâ fide* possessor as proprietor, or if moveable, for any time by a person possessing *bonâ fide* as proprietor, under a right founded on an equitable consideration, such possessor shall not be disturbed, though an action of damages may be entertained against the person by whom it was illegally alienated. Unless held by a bonâ fide possessor.

Of Acknowledgments granted by Cultivators under a former Government:

XXXVI. Whenever a cultivator of the soil is sued upon an acknowledgment in writing executed by him before the territory where it was executed came into the possession of the British Government, it shall be competent for him to plead that he did not receive a full consideration for the same, whereupon the plaintiff shall be required to prove his debt in the same manner as if no acknowledgment in writing had been executed, and such sum only, as in the circumstances of the case is just and equitable, shall be allowed in the decree. Acknowledgments granted by Cultivators under a former Government, if questioned, consideration to be proved.

Appendix (A.)

List of Tenures that may be considered as "Tenures recognized by the Custom of the Country" under Section III. Clause II. of this Regulation:

Wanta,	Raonia,	Barria,
Gras,	Puggeea,	Meeras,
Wuttun,	Khoodkhasta,	Izaffut,
Pussaeta,	Coolejapa,	Dewustan.
Waola,		

Appendix (B.)

Whereas you inhabitant of occupy beegas of land in the bounds of the village of in the purgunna of as jagheer, this is to acquaint you that the said tenure will cease on the expiration of one year from the time of notice being shown to you, such being the order of the Governor in Council, as expressed in the accompanying copy.

Appendix (C.)

List of Officers who under former Governments had power to confer Grants exempting Lands wholly or partially from the payment of Public Revenue.

Under the Emperors of Delhi:

Sobhadars of provinces.

In the Territories that were subject to the Paishwa:

The Paishwa.
All officers holding the mootalikee seal.
All sirsoobhadars in their districts.
All superior local functionaries acting directly under the Paishwa, without the intervention of any superior authority, if the deeds bear date prior to 1803.
The Gykwar considered as a sirsoobahdar in the Paishwa's territories to the north of the Myhee, during the period that he held them in farm.

In the Territories that were subject to the Gykwar:

The Gykwar.
All subordinate officers holding the mootalikee seal.

In the Territories that were subject to Scindia:

Scindia.
His subordinate officers holding the mootalikee seal.

In the Territories that were subject to Holkar:

Holkar.
His subordinate officers holding the mootalikee seal.

In the Territories that were subject to the Nizam:

The Nizam.

In the Districts that were subject to them:

The Nabob of Surat.
The Nabob of Broach.

Appendix (D.)

Notice.

Whereas you inhabitant of occupy beegas of land in the bounds of the village of in the purgunna of without paying the amount due as Government revenue on the said land; this is to intimate to you that unless within two months from the receipt of this notice you appear before me personally or by vakeel, and defend your claim to hold the land in the manner above specified, by giving in a written answer to this notice, setting forth the grounds of your claim, and produce such documentary or oral evidence as may be requisite in the case, or show good cause for not producing it, the land will be assessed at the rate of rupees per beegah.

Annexed

Annexed to this for your information is a copy of Sections XII. XXIII. and XXIV. of Regulation I., A. D. 1823, specifying the consequence which will result from your neglecting to defend your claim before me, or defending it in such a manner as to bring you within the operation of the rules contained in those Sections.

(Signed) *Collector.*

Appendix. (E.)

Statement showing when Regulation III. of 1814 commenced operating in the undermentioned Territories.

Zillah Surat:

Currode	Vide Section IV. Regn. I. 1807, 5 June 1816.
The purgunnah of Bhugwarah Turkeyur The Cusba of Mota in Surat Attaveesy Village of Mugdulla, with some adjoining lands in the village of Preplod, in the purgunnah of Chowrasee	Section XIII. Regn. III. 1819, 6th ditto.
Oolpar	Section XIII. Regn. III. 1819, 28th Nov. 1816.

Zillah Broach:

The purgunnah of Jumbooseer Ahmood Dejbarra	Section V. Regn. VI. 1817, 5th June 1816.

Zillah Northern Concan:

The district of Bellapoor, Atgaon, Cullian, and all the territories of the late Paishwa as far north as the Dumaun river, (Bhugwara as originally included in this zillah by the 2d Section of the Regulation here quoted, as part of the late Paishwa's territories situated to the north of the above districts as far as Guzerat, having been afterwards transferred by Regn. III. of 1819 Sect. VI. to Surat;) and lying between the ghauts of the Syadree mountains and the sea	Ditto - ditto - ditto.
The tract of territory to the south of the districts of Bellapoor, Atgaon and Cullian, as far as the river Apta, and lying between the ghauts of the Syadree mountains and the sea	Section XIII. Regn. III. 1819, 2d Sept. 1817.

Zillah Southern Concan:

The conquered territory bounded on the north by the Apta river and on the south by the Carlee or Malwan river, and lying between the ghauts of the Syadree mountains and the sea, known under the appellation of the Southern Concan; but exclusive of Fort Victoria and Malwan, and their dependencies, to which Regulation III. of 1814 was never extended	Section XIII. Regn. III. 1819, 2d Sept. 1817.
The sea coast villages in the Turruf of Paut and Ajgaon; viz. Rarree, Aroulee, Seersondee, of Ajgaon, Dabolee, Kunolee, Keyloos, Mehapun, Kuncherry, Purolen, of Paut	Section VI. Regn. III. 1820 17th Feb. 1819.

Western Zillah North of the Myhee:

Veerumgaom; the city of Ahmedabad, including such villages in the Duskeeroee as are to the west of the Kharee river; the purgunnah of Purantiej, and the Paishwa's share of Hursolee and Morassa	Section XIII. Regn. III. 1819 6th June 1816.

Eastern Zillah North of the Myhee:

Cupperwunje, Tuppa Bahlej, and villages of Sundana, Antroly Wasna and Khurnej	Section IV. Regn. I. 1817, 5th June 1816.
Mahmoodabad, Alenah, Antrolee, Tasrah, Duskoroee to the east of the Kharee river, the Paishwa's share of Petland and Omret	Section XIII. Regn. III. 1819, 6th June 1816.

VI.

REGULATIONS

Passed by the Governor in Council of *Bombay*, in the Year 1824. N° I. to IV.

A. D. 1824. REGULATION I.

A REGULATION for authorizing the Zillah Civil Courts under the Presidency of Bombay to execute judgment, passed by any other Civil Authority under the said Presidency:—Passed by the Governor in Council on the 31st day of March 1824, corresponding with the 1st Chyter Sood Sumbut or Vekramajit era 1880; Salbahan 1746, and the 29th Jummadee ul Akhur 1239 of the Hijree.

Preamble.

WHEREAS it is expedient to guard against the execution of judgments in civil cases being defeated by the parties against whom given absconding from the limits of jurisdiction of the authority by which such judgment may have been passed; the following Rules have been enacted, to be in force from the date of this Regulation.

The Judge of any Zillah is to execute Civil Judgments passed by other Authorities under certain circumstances.

II. *First.*—If a defendant in a suit decided by any competent civil authority under the Presidency of Bombay shall, previous to execution of the said decision, retire from the limits of jurisdiction of the said authority into any zillah subordinate to the said Presidency, the Judge of such zillah shall on receiving a written application from the plaintiff, either in person or by vakeel, setting forth the above circumstances, and accompanied by a duly authenticated copy of the judgment, proceed to execute the same in the mode prescribed by the existing Regulations for executing decrees passed in the respective zillahs.

How to proceed if objections are urged against the execution.

Second.—Provided that if such defendant allege any objection to the execution, which may appear to require the determination of the authority by which the decision was made, the Judge shall allow a reasonable period for the defendant to apply for the same, at the expiration of which period, if no duly authenticated document passed by the said authority shall be produced, of such nature as to substantiate objection to the execution, the Judge shall proceed to execution as directed in the preceding Clause.

How to ascertain the competency of the Authority which has passed the Judgment.

Third.—If doubt exists as to the competency of the alleged authority, the Judge shall apply for information to the Governor in Council, whose answer shall be conclusive as to the question of competency.

Defendants not liable to Imprisonment after having been once released from the same.

Fourth.—Provided always, that a defendant who has been imprisoned in execution of any judgment, and lawfully released, shall not be again imprisoned by virtue of this Regulation, but the execution shall proceed against his property only.

A. D. 1824. REGULATION II.

A REGULATION for removing doubts as to the Construction of Section XXVIII. Regulation I., A. D. 1823:—Passed by the Governor in Council on the 7th April 1824; corresponding with the 8th Chyter Sood Sumbut or Vekramajit era 1880; Salbahan 1746, and the 6th Rujub 1239, of the Hijree.

Preamble.

WHEREAS it is expedient to remove certain doubts that have occurred respecting the application of Section XXVIII. Regulation I., A. D. 1823, to suits arising from expulsion from caste, the following Rules are enacted.

Section

Section II. Clause I.—Civil actions to recover the right of participation in caste communications and privileges, shall be subject to the rules in the above quoted section.

Suits respecting expulsion from Caste to be subject to the Rules in Section XXVIII. Regulation I., A. D. 1823.

II. Provided that the period of expulsion from caste shall not be calculated from the time at which the members of the caste may have made any resolution of expulsion, but from the time at which the plaintiff became acquainted with it.

The period of expulsion how to be calculated

Section III. It shall be lawful for a plaintiff who has already recovered damages by an action for expulsion from caste, to institute a separate action, and recover damages thereon for each subsequent occasion of his being refused participation in caste communication or privilege, notwithstanding it may have arisen from the same expulsion which has already been tried.

Actions may be laid for each separate occurrence of Caste Rights being refused.

A. D. 1824. REGULATION III.

A REGULATION fixing the period from which Section XXIX. Regulation I. A. D. 1823, is to take effect, and further prescribing a peculiar mode for the calculation of the periods of limitation specified in Section XXIX. and XXX. of the above recited Regulation, in certain cases in the Zillah of Broach:—Passed by the Governor in Council on the 7th of April 1824, corresponding with the 8th Chyter Sood Sumbut or Vekramajit era 1880; Salbahan 1746, and 6th Rujub 1239, of the Hijree.

IT appearing that the provisions of Section XXIX. Regulation I. 1823, bear heavy on the public in many instances from the application of the above referred to Regulation taking effect from the date of promulgation, and giving no time for adjusting accounts where balances have been for a longer period outstanding than six years under the guarantee of the old Regulations, and justice demanding that the operation of the Section in question should not take place until sufficient time has been given to persons thus situated for adjusting such balances: And whereas, from particular circumstances the creditors of Ryuts in the Old Broach Zillah were denied a hearing of their cases until rules were enacted for the guidance of the Court in such instances, it becomes necessary to exempt all such cases from the usual term of limitation in which such suits may be brought, by rejecting from the calculation the period from the date of the institution of the Udalut in that Zillah until the promulgation of Regulation I. 1823, wherein Section XXXVI. prescribes the rules under which such claims may be tried. The following Rules have been passed by the Honourable the Governor in Council.

Preamble.

Section II. The operation of Section XXIX. Regulation I. 1823, shall not be considered to have effect until after the first day of May 1825, and all suits instituted previous to that date shall be tried and determined under the Regulations existing previous to passing the enactment above referred to.

Limitation of six years in Section XXIX. Regulation I. 1823, to commence from the 1st May 1825; all previous Suits filed to be settled under the old law.

Section III. The period of time which has elapsed since the institution of the Udalut in the Zillah of Broach, to the date of promulgation of Regulation I. 1823, shall be rejected in calculating the limitation within which claims of the nature described in Section XXXVI. Regulation I. 1823, shall be heard and determined.

The limitation within the Broach Zilla to be calculated without adverting to the period of time that has elapsed since the institution of the Udalut there, and the promulgation of Regulation I. 1823.

A. D. 1824. REGULATION IV.

A REGULATION for rescinding Section IX. Regulation VI., A.D. 1820, and Section VI. Regulation V., A. D. 1820, and appointing a second Register to the Courts of Sudder Adawlut and Sudder Foujdaree Adawlut:—Passed by the Honourable the Governor in Council on the 19th of May 1824, corresponding with the 6th of Vaisack Vud Sumbut or Vekramajet era 1880; Salbahan 1746; and 19th Ramzan 1239, of the Hijree.

WHEREAS inconvenience and prejudice to the due discharge of the duties of Regisrer to the Court of Sudder Adawlut and Sudder Foujdaree Adawlut is found to result from the Register to those courts taking cognizance of original civil suits referred

Preamble.

REGULATIONS passed by the Governments of BENGAL, FORT ST. GEORGE, and BOMBAY, in the Years 1825 and 1826; presented to the Honourable the House of Commons, in pursuance of an Act of Parliament of the 53 Geo. III. c. 155, sec. 66;—Viz.

I.—Regulations passed by the Governor General in Council of BENGAL, in the Year 1825;

N° I. to XXI.

Regulation.

I.—For declaring the Judicial Officers competent to Superintend the execution of their own process in certain cases; and for extending to Officers intrusted with the Execution of a Magistrate's Warrant, or other criminal process, the powers vested in Police Officers, by certain Provisions in Regulation XX. 1817:— Passed on the 13th January 1825 - - p. 5

II.—For amending the Rules in force, relative to applications for a review of Judgment in regular original Suits and Appeals; and for restricting the admission of Special or Second appeals by the Provincial Courts, and Court of Sudder Dewanny Adawlut:—
Passed on the 24th March 1825 - - - p. 6

III. For empowering the Courts of Circuit to pass Sentence in certain cases of Robbery, without reference to the Court of Nizamut Adawlut:—
Passed on the 24th March 1825 - - - p. 8

IV.—For declaring the Magistrates and Criminal Courts empowered to require Recognizances, and Security for keeping the Peace, in certain cases; and for explaining some of the provisions contained in Regulation VIII. 1818, relative to security for good behaviour:—
Passed on the 24th March 1825 - - - p. 9

V.—For removing certain doubts as to the legality of an union of the powers of Judge and Collector in the same individual:— Passed on the 4th April 1825 - - - p. 10

VI.—For rendering more effectual the Rules in force, relative to supplies and preparations for Troops, proceeding through the British Territories:—
Passed on the 4th April 1825 - - - p. 11

VII.—To explain and amend the Rules in force for the execution of Decrees, or other Judicial Process, by the sale of landed property, or otherwise:—
Passed on the 14th April 1825 - - - p. 12

VIII.—To make further provision for the Employment of Native Officers in the Judicial Department; and to provide for the punishment of false and malicious Charges against the European Officers of Government:— Passed on the 5th May 1825 - - - p. 15

IX.—For extending the operation of Regulation VII. 1822, for authorizing the Revenue Authorities to let in farm Estates under temporary leases, on the default of the Malgoozars, or to hold the same Khâs for a term of years, for modifying and adding to the Rules contained in Regulation II. 1819, and for making certain other amendments in the existing Regulations:—
Passed on the 5th May 1825 - - - p. 17

X.—More distinctly to define the meaning and intent of the provisions contained in Regulations XXXI. of 1793, and XXXVII. of 1803, which prescribe Rules for the conduct of Commercial Residents carrying on Trade for themselves:— Passed on the 19th May 1825 - - - p. 21

XI.—For declaring the Rules to be observed in determining claims to Lands gained by alluvion, or by dereliction of a River, or the Sea:— Passed on the 26th May 1825 - - - p. 22

XII.—For defining the powers of the Courts of Circuit, and of the Nizamut Adawlut, in certain cases; for the uniform punishment of contempts of Court in any of the Courts of Judicature, Civil or Criminal: for exempting Females from corporal punishment by stripes, and for discontinuing the Corah as an instrument of punishment in all cases:—Passed on the 26th May 1825 - - - p. 24

XIII.—To maintain the settlement made for certain Lands held exempt from the payment of Revenue by Canoongoes, in the Province of Behar; and to provide for the future settlement of such Lands as well as of the Lands composing other resumed Lakheraj tenures, with the present occupants, when so directed by Government:— Passed on the 7th July 1825 - - - p. 25

XIV.—To declare the extent of the authority possessed by the Revenue Authorities, subordinate to the Governor General in Council, in the conformation of Lakheraj Tenures; to define the principles to be followed in determining on the force and validity of grants made by Persons exercising authority in different quarters previously to the acquisition of the Country by the British Government; and to provide for the due application of the general Laws and Regulations respecting Lands held free of Assessment, to the Territory ceded by Govind Rao to the British Government; and annexed to the Zillah of Bundlecund, under the provisions of Regulation II. 1818:—
Passed on the 14th July 1825 - - - p. 27

XV.—To make certain alterations in the Rates of Duty charged, and Drawbacks allowed on Goods imported or exported by sea at the port of Calcutta, or any other place within the territories immediately subordinate to the Presidency of Fort William, and to amend and consolidate the Rules in force relative to such Duties and Drawbacks:—
Passed on the 14th July 1825 - - - p. 31

XVI.—To make further provision for empowering the Courts of Circuit to pass sentence in certain cases of Robbery without reference to the Court of Nizamut Adawlut:—
Passed on the 21st July 1825 - - - p. 54

XVII.—For transferring the Zillah of Goruckpore from the Jurisdiction of the Provincial Court of Appeal and Circuit of Benares and annexing it to that of the Court of Appeal and Circuit of Patna; for changing the order of holding the half-yearly Jail Deliveries at the Stations comprised within the several Circuits, for providing that the Sessions shall be held in future at the Stations of certain Joint Magistrates; for authorizing special arrangements with respect to others, and for altering the periods fixed for the commencement of the 1st and 2d Circuits of the Calcutta Division:—
Passed on the 4th August 1825 - - - p. 55

XVIII.—For annexing the Settlement of Chinsurah, and other Territories, ceded to the British Government by the Government of the Netherlands, to the Zillah and City Jurisdictions, most contiguous thereto; and to provide for the future administration of the said Territories:—
Passed on the 25th August 1825 - - p. 57

XIX.—To prescribe the manner in which His Highness the Nazim of Bengal shall sue or be sued in the Courts of Civil Judicature:— Passed on the 29th September 1825 - - p. 59

XX.—For declaring the Jurisdiction of the Military Courts Martial and Courts of Requests, constituted by a recent Act of Parliament, and for modifying some parts of the existing Regulations in conformity thereto:— Passed on the 3d November 1825 - - p. 60

XXI.—For annexing to the Jurisdiction of the Commissioner of Kumaoon the tract of country called the Deyra Doon, and also the Pergunnah of Chandnee, heretofore forming part of the Districts of Seharunpore and Moradabad:— Passed on the 8th December 1825 - - p. 62

Rule, Ordinance, and Regulation passed by the Governor in Council of BENGAL, in the Year 1825;

For the good order and civil government of the Settlement of Fort William in Bengal:—
Passed on the 28th July 1825 - - - p. 63

Regulations passed by the Governor General in Council in BENGAL, in the Year 1826; N° I to XII.

Regulation.

I.—For augmenting the number of Judges of the Provincial Courts of Appeal and Circuit, as may from time to time appear necessary:— Passed on the 2d March 1826 - - - p. 64

II.—To extend, with certain exceptions and conditions, the existing settlement in the provinces ceded by the Nuwab Vizier to the British Government, for a further period of five years:—
Passed on the 26th April 1826 - - - p. 65

III.—For extending to Dewannee Prisoners some of the provisions in Regulation XIV. 1816, and for modifying the rule contained in Section III. Regulation IV. 1816:—
Passed on the 11th May 1826 - - - p. 67

IV.—For expediting the Proceedings of the Mofussil and Sudder Special Commissions, acting under the provisions of Regulation I. 1821:— Passed on the 22d June 1826 - - - p. 68

V.—For annexing to the Zillah of Agrah, the Pergunnah of Goberdhun:—
Passed on the 22d June 1826 - - - ibid.

VI.—For constituting the Jurisdiction of the Joint Magistrate, stationed at Futtehpore, a distinct Zillah:— Passed on the 13th July 1826 - - - p. 69

VII.—For transferring the control of the Benares Mint, from the Board of Revenue in the Central Provinces, to a local Committee:— Passed on the 13th July 1826 - - - p. 70

VIII.—For modifying certain parts of Regulation VII. 1824, relative to Contraband Opium:—
Passed on the 13th July 1826 - - - ibid.

IX.—For transferring the Superintendence of the Custom House at Patna, from the Board of Revenue in the Central Provinces, to the Board of Customs at the Presidency; and for vesting the latter Board with the control of the other Customs in the Central and Western Provinces, and in the Province of Cuttack, concurrently with the Central and Western Boards of Revenue and the Commissioner of Cuttack respectively:— Passed on the 13th July 1823 - - - p. 71

X.—For removing doubts as to the application of Section L. Regulation X. 1819, to the district of Goruckpore: for prohibiting the Manufacture, within any of the districts of Bengal, Behar, and Orissa, of Noon-chye, or any description of Saline substance, used as a condiment with food, excepting on account of, or with the permission of Government: and for providing for the retail sale of Salt by Government Officers in certain cases:—
Passed on the 13th July 1826 - - - p. 72

XI.—For providing a succession of duly qualified Hindoo and Mahomedan Law Officers, in the several Courts of Justice; and for enacting an additional Rule for the Appointment of Vakeels in the Zillah and City Courts:— Passed on the 4th August 1826 - - - p. 73

XII.—For raising and levying Stamp Duties within the Town of Calcutta:—
Passed on the 14th December 1826 - - p. 76

II.—Regulations passed by the Governor in Council of Fort St. George, in the Year 1825;

N° I. to V.

Regulation.
I.—To rescind Regulation I. 1822, and to alter certain other provisions of the Regulations in force; and to provide for the more prompt and effectual administration of Criminal Justice, in certain cases:— Passed on the 29th March 1825 - - p. 91

II.—For modifying and amending certain provisions contained in Regulation XIII. 1816, Regulation II. 1817, and Section VI. Regulation XXXIV. 1802:— Passed on the 15th April 1825 - - - p. 94

III.—To prohibit Judges from sitting on the trial of Appeals in causes tried before themselves; and to empower the Governor in Council to increase, at his discretion, the number of Judges of the Provincial Courts of Appeal and Circuit and of the Sudder and Foujdarry Adawlut:— Passed on the 10th June 1825 - - - p. 95

IV.—For amending and modifying the provisions contained in Regulation VII. 1818:— Passed on the 12th July 1825 - - - p. 96

V.—For modifying the provisions of Section XLIII. Regulation VI. 1816, regarding suits for land:— Passed on the 6th December 1825 - - p. 97

Regulations passed by the Governor in Council of Fort St. George, in the Year 1826;

N° I. to III.

Regulation.
I.—For establishing Rules for the use, and providing checks on the abuse, of the power of employing summary process for the recovery of arrears of public revenue other than the land revenue:— Passed on the 7th April 1826 - - - p. 97

II.—For rescinding Clause fourteenth, Section XVIII. Regulation II. 1812:— Passed on the 11th April 1826 - - - p. 98

III.—For the more easy conviction of the crime of Perjury in certain cases:— Passed on the 17th October 1826 - - ibid.

III.—Rules, Orders, and Regulations passed by the Governor in Council of Bombay, in the Year 1825;

N° I. and II.

Regulation.
I.—For preventing the mischief arising from the printing and publishing Newspapers, and Periodical and other Books and Papers, by persons unknown:— Passed on the 2d March 1825 - - - p. 99

II.—For repealing parts of certain Articles in Title 1st of Rule, Ordinance and Regulation I. 1812:— Passed on the 4th May 1825 - - - p. 106

Regulations passed by the Governor in Council of Bombay, in the Year 1826;

N° I. to III.

Regulation.
I.—To explain the Enactments in force as to the admissibility of Actions for Debts against the Thakoor of Bhownaggur:— Passed on the 14th June 1826 - - - p. 107

II.—For punishing the receipt of Bribes by Officers employed in the collection of Sea Customs, and the gift or offer of the same:— Passed on the 5th August 1826 - - ibid.

III.—To declare and define Military Authority, in its relations to the Civil Power, and to the Community at large:— Passed on the 27th September 1826 - - p. 108

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*, in the Year 1825. N° I. to XXI.

A. D. 1825. REGULATION I.

A REGULATION for declaring the Judicial Officers, competent to superintend the execution of their own process in certain cases; and for extending to Officers intrusted with the execution of a Magistrate's Warrant, or other criminal process, the powers vested in Police Officers, by certain Provisions in Regulation XX. 1817:—Passed by the Governor General in Council on the 13th January 1825; corresponding with the 2d Maug 1231, Bengal era; the 9th Maug 1232, Fussily; the 3d Maug 1232, Willaity; the 9th Maug 1881, Sumbut; and the 22d Jummadi ulawal 1240, Higeree.

Preamble.

WHEREAS doubts have been entertained whether a Judge, Magistrate or other European Public Officer, authorized to issue process of arrest, or other judicial process, is, under any circumstances, competent to attend in person the execution of such process; as well as whether the officers charged with the execution of a warrant, bearing the seal and signature of a Magistrate, in criminal cases, are competent to exercise the powers vested in officers of the police, charged with the execution of a warrant of arrest, issued by a police darogah, or other police officer, under the provisions of Section XXV. Regulation XX. 1817; and it is desirable that all ground of doubt as to the legal powers of the public officers in such cases, should be removed by an express enactment on the points referred to; the Governor General in Council has passed the following Rules to be in force as soon as promulgated throughout the Provinces, immediately subject to the Presidency of Fort William.

Judicial European Officers empowered to superintend in person the execution of their own process, and to adopt such legal measures on the occasion as may appear necessary.

II. Whenever the Judge or Register of a Civil Court, or a Magistrate or joint Magistrate, or any other European public officer, authorized by the Regulations in force to issue process of arrest, or other judicial process, civil or criminal, upon the person or property of individuals amenable to their respective jurisdictions, may, for any special reason, deem it necessary to be personally present at the execution of such process, and to see that the same be duly executed in the manner prescribed by the Regulations; it shall be competent to the public officer who may have issued the process, to attend personally for the purpose above mentioned; and to adopt or direct any legal measures that may be necessary for the due execution thereof.

The powers vested by the existing Regulations in Police Officers for the service of process under the Seal and Signature of Police Darogahs declared applicable to all Officers intrusted with the execution of process in Criminal Cases, under the Seal and Signature of Judicial European Officers.

III. *First.*—The powers vested in Officers of Police, by the Fifth and Sixth Clauses of Section XXV. Regulation XX. 1817, or by any other Regulation in force, for the service and execution of Warrants, or other process of arrest, in serious criminal cases, under the seal and signature of a police darogah, or other officer of the police, shall be held equally applicable to all officers intrusted with the execution of a warrant, or other process of arrest, in criminal cases, bearing the seal and signature of a Magistrate, joint Magistrate or any public officer empowered to act as Magistrate, whether the person to whom the warrant is addressed be an officer of the police or otherwise.

The punishment prescribed by Clause VII. Section XXV. Regulation XX. 1817. in cases of abuse of official duty declared applicable to all Police Officers, and others employed to execute a Warrant or other process.

Second.—The Seventh Clause of the Section above mentioned, whereby it is declared that any wilful abuse and perversion of the powers vested by the preceding Clauses in the police officers for ends of public justice, will subject them, on conviction before the Magistrate or Court of Circuit, to exemplary punishment, according to the circumstances of the case, besides immediate dismission from office, is also hereby made applicable to all persons, whether police officers or others, who may be employed to execute a warrant or other process of arrest issued by a Magistrate, joint Magistrate or other public officer empowered to act as Magistrate; and may be guilty of any wilful abuse and perversion of the powers vested in them by the present Regulation.

A. D. 1825. REGULATION II.

A REGULATION for amending the Rules in force, relative to applications for a review of Judgment in regular original suits and appeals; and for restricting the admission of special or second appeals, by the Provincial Courts, and Court of Sudder Dewanny Adawlut:—Passed by the Governor General in Council on the 24th March 1825, corresponding with the 12th Chyte 1231 Bengal era; the 20th Chyte 1232 Fussily; the 13th Chyte 1232 Willaiaty; the 5th Chyte 1882 Sumbut; and the 3d Shaban 1240 Higeree.

Preamble.

WHEREAS the small expense attending petitions for a review of judgment, in regular original suits and appeals, decided by the Zillah, City, and Provincial Courts, or by the Court of Sudder Dewanny Adawlut, under the Rules prescribed for such applications in Section IV. Regulation XXVI. 1814, has been found to encourage numerous petitions of this description, without sufficient grounds for preferring the same, to the serious hindrance of other business depending before the Civil Courts above mentioned; and whereas the extension given by the second Clause of Section II. Regulation IX. 1819, to the admission of special or second appeals, by the Provincial Courts and Court of Sudder Dewanny Adawlut, has been productive of a large increase of such appeals; the numerous petitions for which, whether ultimately rejected or admitted, occupy more time than can be applied to them, without impeding the trial and decision of other more important causes; whilst at the same time, such applications, upon insufficient grounds, are encouraged by the indefinite terms of the clause adverted to; which authorize the admission of a second appeal "whenever there may appear strong probable ground, from whatever cause, to "presume a failure of justice;" with a view therefore to provide against the continuance of these impediments to the general administration of civil justice, in the superior courts, as well as to relieve individuals from the expense of fruitless applications in cases wherein there may be no certain and sufficient grounds for a further appeal in decided causes; the Governor General in Council has passed the following amended Rules, to be in force from the date of their promulgation throughout the provinces immediately subject to this presidency.

Such part of the Second Clause of Section IV. Regulation XXVI. 1814, as directs that Petitions for a review of judgment shall be written on stamped paper of a prescribed value declared applicable only to Petitions presented within a specified period.

After which period they are to be written on the stamped paper prescribed by Section XIII, Regulation I. 1814, but in case the petitioner be a pauper, the provisions of Regulation XXVIII. 1814, are declared applicable.

II. *First.*—Such part of the second Clause of Section IV. Regulation XXVI. 1814, as provides that the petition for a review of judgment, in the cases therein mentioned, shall be written on stamped paper of the value prescribed in Section XVIII. Regulation I. 1814, shall after the promulgation of the present Regulation be considered applicable only to petitions for a review of judgment, which may be presented, as required by the clause above noticed, within the period of three calendar months from the delivery or tender of the decree. Whenever the petition for a review of judgment may be presented after that period, it shall be written upon the stamped paper prescribed in Section XIII. Regulation I. 1814, with reference to the amount or value of the property adjudged against the party desiring the revision; in like manner as if a regular appeal were preferred from such judgment; unless the party desiring the review be a pauper, in which case the provisions relative to pauper appellants, contained in Regulation XXVIII. 1814, shall be held applicable.

Petitioners whose Petitions may be rejected not entitled

Second.—If the petition for a review of judgment, presented after the promulgation of this Regulation, shall be rejected by the Court receiving the same, as not containing

containing sufficient grounds for the review desired, the petitioner shall not be entitled to receive back the amount of the stamp duty, paid for the paper on which the petition may have been written; but in the event of its having been written on the stamped paper prescribed in Section XIII. Regulation I. 1814, the Court, rejecting the petition, is vested with a discretionary authority (as in the case of special appeals, under the fifth clause of Section II. Regulation XXVI. 1814,) in any particular instance, wherein the forfeiture of the entire stamp duty may appear excessive on due consideration of the circumstances of the case, to order the refund of any portion thereof, not exceeding three-fourths of the total amount, from the public treasury.

to receive back the amount of the prescribed stamped paper duty, but the Courts empowered in special cases to order a refund of any portion not exceeding three-fourths of it.

Third.—When the rejected petition may have been written on the stamped paper prescribed in Section XVIII. Regulation I. 1814, and shall be found by the Court rejecting it, groundless and litigious; so as to merit a fine, in addition to the small stamp duty paid in conformity with that section, the Court is authorized and required (as in the case of litigious summary appeals, by the tenth clause of Section III. Regulation XXVI. 1814,) to impose such fine as may be proportionate to the circumstances of the case, and the condition of the party, not exceeding the amount of the stamp duty which would have been payable if the petition had been written on the stamped paper prescribed in Section XIII. Regulation I. 1814.

Courts empowered to impose a proportionate fine in cases where Petitions are found to be groundless or litigious.

Fourth.—When the petition for a review of judgment may be admitted, the Court reviewing the case, will, on deciding it, pass such order relative to the stamp duty paid by the petitioner, as may appear just and proper; whether for his reimbursement by the opposite party as part of the costs of suit; or for the refund of any portion of it, not exceeding three-fourths, by Government.

Courts after reviewing the Case of a Petitioner to pass such orders relative to the Stamp duty paid by him as may appear just and equitable.

III. In addition to the Rules contained in Section IV. of Regulation XXVI. 1814, relative to petitions for a review of judgment in regular original suits and appeals, decided by the Zillah, City, and Provincial Courts, or by the Court of Sudder Dewanny Adawlut, it is hereby provided that whenever the Judge or Judges who may have passed the decree, or if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court, at the time when the petition for a review is received, and shall not be precluded, by absence or other cause, for a period of six months after the receipt of the petition from considering and recording his order or opinion upon the same, it shall not be competent to any other Judge or Judges of the same Court, to enter upon a consideration of the merits of the petition, and record an order or opinion thereupon, it being the obvious intention of the Rules referred to, that application for a review of judgment made in pursuance thereof, should, as far as practicable, be received and disposed of by the Judge or Judges who may have passed the decision; subject to the regular course of appeal, if the case be appealable to a superior Court. Provided however, that this restriction shall not be considered applicable to cases not open to a further appeal, in which a single Judge, whether of a Provincial Court or of the Court of Sudder Dewanny Adawlut, may appear, on the face of the decree, to have exceeded the powers vested in him by the Regulations. In such cases, the decree being imperfect and irregular, it shall be competent to a majority of the Judges of the Provincial Court, or of the Court of Sudder Dewanny Adawlut, concurring in opinion as to such irregularity, to proceed upon the petition for a review, in the manner prescribed by Section IV. Regulation XXVI. 1814, and by the present Regulation.

Additional Rules relative to the consideration of petitions from review of Judgment in regular original suits and appeals.

Such petitions in all practicable cases to be received and disposed of by the Judge who passed the decision, subject to the regular course of appeal.

Whose restriction however declared inapplicable to cases where the Judge in passing a decision may have exceeded the powers vested in him.

Rule of proceeding to be observed by the Judges in correcting such irregularities.

IV. *First.*—The second Clause of Section II. Regulation IX. 1819, whereby the Rules before in force for the admission of special or second appeals by the Provincial Courts and Court of Sudder Dewanny Adawlut, were extended, is hereby rescinded.

Clause Second, Section II. Regulation IX. 1819, rescinded.

Second.—After the promulgation of this Regulation the Provincial Courts, and Court of Sudder Dewanny Adawlut, shall be guided, in their admission of special or second appeals, by the Rules contained in Section II. Regulation XXVI. 1814; Section VII. Regulation XIX. 1817; and Sections III. IV. and V. of Regulation IX. 1819.

By what rules the Sudder Dewanny Adawlut and Provincial Courts are hereafter to be guided in admitting second or special appeals.

V. Regulation XXVIII. 1814, relative to Paupers, not containing any specific provision respecting pauper appellants or respondents in second or special appeals, it is hereby declared that the provisions in that Regulation respecting appeals *in*

The provisions of Regulation XXVIII. 1814, extended to the admission of such

second or special appeals in formâ Pauperis as may be hereafter deemed admissible under the Rules in force.

formâ Pauperis from decisions passed in original suits, shall, after the promulgation of the present Regulation, be considered applicable to any second or special appeals which may be preferred *in formâ Pauperis*; and which may be hereafter deemed admissible under the Rules specified in the preceding Section.

A. D. 1825. REGULATION III.

A REGULATION for empowering the Courts of Circuit to pass Sentence in certain cases of Robbery, without reference to the Court of Nizamut Adawlut:—Passed by the Governor General in Council on the 24th March 1825, corresponding with the 12th Chyte 1231 Bengal era; the 20th Chyte 1232 Fusly; the 13th Chyte 1232 Willaity; the 5th Chyte 1882 Sumbut, and the 3d Shaban 1240 Higeree.

Preamble.

WHEREAS under the Regulations in force the trials of all persons convicted before the Courts of Circuit of the crime of robbery by open violence, as defined in Section III. Regulation LIII. 1803, are referrable to the Court of Nizamut Adawlut, and whereas it will tend to relieve that Court from a part of the numerous trials now referred to it, and at the same time expedite the administration of Criminal Justice in such cases, if the Courts of Circuit are empowered to pass sentence, when the robbery may may not have been committed by a gang of armed persons, or may not have been attended with murder or other aggravating act of criminality, such as to require a sentence of punishment exceeding that which the Courts of Circuit are competent to adjudge in other cases, viz. thirty-nine stripes with a corah, and imprisonment with hard labour, in banishment for fourteen years; the Governor General in Council has enacted the following Rules to be in force as soon as promulgated throughout the Provinces under this Presidency.

Part of Section VIII. Regulation XVII. 1817, modified.

II. So much of Section VIII. Regulation XVII. 1817, and of the preceding Regulations therein referred to, or of any other Regulation in force as requires that the Courts of Circuit shall in all cases of conviction of the crime of robbery by open violence, as defined in the first clause of Section III. Regulation LIII. 1803, refer the trial of the prisoner or prisoners so convicted for the final sentence of the Court of Nizamut Adawlut, is hereby modified as stated in the following Section.

Courts of Circuit empowered to pass final Sentence in certain cases of robbery, without a reference to the Court of Nizamut Adawlut.

III. In cases of conviction before a Court of Circuit of the crime of robbery by open violence, as defined in Section III. Regulation LIII. 1803, or of an attempt to commit the same; if the robbery shall not have been committed, or attempted by a gang of two or more armed persons; and shall not have been accompanied with murder or with an attempt to commit murder, whether by wounding, burning, strangling, poisoning, drowning, throwing into a well or by any other means; nor have been accompanied with wounding, burning, or other corporal injury to any person or persons, in such a degree as to endanger life, nor have been attended with any other aggravating act of criminality such as may appear to the Judge of Circuit, before whom the trial is held, to merit, and call for a more severe punishment than thirty-nine stripes with a corah, and imprisonment with hard labour for fourteen years, in banishment from the District where the prisoner may have resided, the Judge of Circuit, concurring with his Law Officer in the conviction of the prisoner or prisoners is authorized, without reference to the Nizamut Adawlut as required by the Sixth Clause of Section VIII. Regulation XVII. 1817, to pass such sentence as he may deem adequate to the offence, on due consideration of all the circumstances of the case; not exceeding the number of stripes and term of imprisonment with hard labour in banishment, above specified.

A. D. 1825. REGULATION IV.

A REGULATION for declaring the Magistrates and Criminal Courts empowered to require Recognizances, and Security for keeping the Peace, in certain cases; and for explaining some of the provisions contained in Regulation VIII. 1818, relative to Security for good behaviour.—Passed by the Governor General in Council on the 24th March 1825, corresponding with the 12th Chyte 1231 Bengal era; the 20th Chyte 1232 Fusly; the 13th Chyte 1232 Willaity; the 5th Chyte 1882 Sumbut, and the 3d Shaban 1240 Higeree.

Preamble.

WHEREAS the existing Regulations contain no express provision for empowering the Zillah and City Magistrates, and Joint Magistrates, to take Mochulkas, or penal recognizances for the maintenance of the peace in their respective jurisdictions, although it has been the established usage to require such in many instances; nor do the Regulations in force expressly sanction the requisition of security to keep the peace, except from persons charged with criminal offences, whilst the charge is under examination; and whereas the rules contained in Regulation VIII. 1818, respecting security for good behaviour, have been found in some instances to require explanation; with a view to provide for such cases, and to declare the powers of the Magistrates, and Criminal Courts in those before referred to, the Governor General in Council has enacted the following Rules, to be in force, from the time of their promulgation, throughout all the Provinces immediately subject to the Presidency of Fort William.

Criminal Courts may if they think proper take Mochulkas or penal recognizance from persons convicted before them, to keep the peace during a certain period.

II. *First.*—Whenever a person, charged with a serious affray, assault, or other violent breach of the peace, or with causing, aiding, or abetting the same, or with assembling armed men, or taking other unlawful measures, with the evident intention of committing the same, shall be convicted of such charge, before any Criminal Court by which the offence may be cognizable; and the Court by which a final sentence or order in the case may be passed, shall be of opinion that it is just and necessary to require a Mochulka, or penal recognizance, for keeping the peace, with or without security for the same purpose, from the person so convicted, it shall be competent to the Court, passing the final sentence, or order, in such cases, to direct that the person so convicted be required to execute a Mochulka, or formal engagement, in a sum proportionate to the party's condition in life, and the circumstances of the case, for keeping the peace, during such period as it may appear proper to fix in each instance; not exceeding one year from the time of the prisoner's discharge if the sentence or order be passed by a Magistrate, Joint Magistrate, or other Officer exercising the functions of a Magistrate; or three years if the sentence or final order be passed by a Court of Circuit, or the Court of Nizamut Adawlut.

Security to be taken in addition to the Mochulkas to keep the peace in cases of aggravated nature.

Nature of the Security Bond.

Second.—In cases of an aggravated nature, wherein it may appear necessary to require security for keeping the peace in addition to the Mochulka of the party, it shall also be competent to the Court passing the final sentence, or order, to direct the same; and to fix the amount of the Security Bond (which should never be excessive, and should in all cases be such as it would be proper to enforce, in the event of a breach of the engagement), to be executed by the Surety or Sureties; with a provision, that if the same be not given, the party required to find the Security shall be kept in custody for any time not exceeding the period specified in the preceding clause, according as the order may be passed by a Magistrate, or Court of Circuit; or by the Court of Nizamut Adawlut.

The provisions of Sections V. VI. and VII. of Regulation VIII. 1818, to be applicable to all prisoners confined on requisition of Security for keeping the peace under this Regulation and to the Sureties for such persons.

III. The provisions contained in Sections V. VI. and VII. of Regulation VIII. 1818, shall be considered applicable to all prisoners confined on requisition of Security for keeping the peace, under the present Regulation; and to the Sureties for such persons.

Magistrates and Joint Magistrates not precluded by any Regulations from taking Mochulkas or penal recognizances for the

IV. Nothing in Regulation VIII. 1818, or in any other Regulation in force shall be construed to preclude the Zillah and City Magistrates, or Joint Magistrates, from taking Mochulkas, or penal recognizances, according to established usage, in all cases wherein it may appear just and necessary to require the same for the maintenance

maintenance of the peace, although the parties may not have been convicted of any specific offence.

tenance of the peace in their respective jurisdictions; although the parties bound in such recognizance may not have been convicted of any specific offence; provided, that the amount of the recognizance in all such cases, shall be proportionate to the condition in life of the person required to execute the same; and shall, in no instance without conviction of a specific charge, exceed the sum of two hundred sicca rupees. Provided also that the proceedings of the Magistrate, or Joint Magistrate, in all such cases, shall be open to the revision of the Court of Circuit, at the next ensuing session of jail delivery; in the event of any petition complaining of, or objecting to, the order of the Magistrate, or Joint Magistrate being presented to that Court.

Proviso.—That the amount of the recognizance shall be proportionate to the condition in life of the person required to execute the same.

Proviso.—The Proceedings in all such cases to be open to the revision of the Courts of Circuit at the next ensuing session on presentation of any petition of complaint.

Explanation of some of the provisions of Regulation VIII. 1818.

V. In explanation of the Rule contained in the first Clause of Section VIII. Regulation VIII. 1818, which directs that whenever the Magistrates, under the authority vested in them by the Regulations, may require Security for the good behaviour of a prisoner, they shall (in all cases in which they may judge it safe so to do) provide in their order for the release of the prisoner, at the end of a definite period, not exceeding a twelvemonth; it is hereby further provided, that the period to be fixed for the responsibility of the Sureties, in such cases, shall correspond with the term limited by the Magistrate's order, for the prisoner's detention in the event of his not furnishing the required Security.

A. D. 1825. REGULATION V.

A REGULATION for removing certain doubts as to the legality of an union of the powers of Judge and Collector in the same individual:—Passed by the Governor General in Council on the 4th April 1825, corresponding with the 23d Cheyte 1231 Bengal era; the 1st Bysaak 1232 Fussily; the 24th Cheyte 1232 Willaity; the 1st Bysaak 1882 Sumbut; and the 14th Shabaan 1240 Higeree.

Preamble.

WHEREAS it has occasionally been found necessary to place the charge of Collectorships or of portions of Collectorships in the hands of Zilla and City Judges or of Registers of the Civil Courts, and it may from time to time be hereafter found necessary to depute or employ officers vested with the united powers of Judge and Collector in the administration of the affairs of particular districts, or in the adjustment of boundaries, or in the settlement of tracts occupied by peculiar tribes or classes of people, or in the execution of other special measures: And whereas, doubts have arisen as to the legality of such an union of authority, the Governor General in Council, with a view of removing such doubts, has been pleased to declare and to enact as follows:

The Official Acts of all public Officers who under competent authority have heretofore exercised the united powers of Judge and Collector, or Register and Collector, declared to be legal and valid.

II. It is hereby declared that the official acts of all public officers who may have exercised under the sanction and authority of Government, or under the provisions of Regulation IV. 1821, the united powers of Judge and Collector, or of Register and Collector, shall be deemed and held to be and to have been to all intents and purposes as legal and valid as they would have been had they been performed by officers holding respectively the office of Judge or Register only, or the office of Collector only.

Power reserved to the Governor General in Council to vest the whole or any portion of the jurisdiction of a Judge or a Collector of Revenue in the hands of the same Officer.

III. *First.*—It shall be competent to the Governor General in Council to vest the whole or any portion of the jurisdiction and powers of a Civil Judge and of a Collector of Revenue in the hands of the same officer whenever and so long as such an arrangement may, for special purposes, appear expedient.

Proviso—precluding a Judge in such cases from trying claims preferred by individuals for acts done by him in his capacity of Collector.

Such claims to be cognizable by the Provincial Court of the division under the Rules in force.

Second.—Provided that in all such cases, the Judge shall be precluded from trying and determining in his Civil Court any claims which may be preferred by individuals for acts done by him in his official capacity of Collector, but such claims shall, as already provided for by the second Clause of Section VI. Regulation IV. 1821, be cognizable in the Provincial Court of the division, and not in the Zillah or City Court.

A. D. 1825. REGULATION VI.

A REGULATION for rendering more effectual the Rules in force relative to supplies and preparations for troops, proceeding through the British Territories:—Passed by the Governor General in Council on the 4th April 1825, corresponding with the 23d Cheyte 1231 Bengal era; the 1st Bysaak 1232 Fussily; the 24th Cheyte 1232 Willaity; the 1st Bysaak 1882 Sumbut, and the 14th Shabaan 1240 Higeree.

Preamble.

WHEREAS it is enacted in the first Clause of Section III. Regulation XI. 1806, that on receiving the notification mentioned in the preceding Section, relative to a body of troops about to proceed, by land or by water, through any part of the Company's territories, the Collector of the District shall immediately issue the necessary orders to the landholders, farmers, tehsildars or other persons in charge of the lands through which the troops are to pass, for providing the supplies required; and for making any requisite preparations of boats, or temporary bridges, or otherwise, for enabling the troops to cross such rivers or nullahs as may intersect their march without impediment or delay; it being at the same time further directed, in the second Clause of the Section referred to, that the supplies so furnished shall be paid for by the persons receiving the same, at the current bazar prices of the place at which they may be provided; and that the expense incurred for crossing the troops and their baggage over rivers and nullahs, after being duly ascertained, will be paid by Government; and whereas, experience has shown the necessity of enabling the Collectors or other public officers acting in that capacity, to enforce their orders in the cases above mentioned, by imposing a fine on any landholder, tehsildar or other person in the possession or management of land, who, after receiving the requisition issued in pursuance of the Section above cited, may be proved to have wilfully disobeyed or neglected the same; the Governor General in Council has therefore enacted the following Rules, to be in force as soon as promulgated in all the provinces immediately subject to the Presidency of Fort William.

Zumeendars having been warned by the Collector to provide supplies for Troops.

Or to provide Boats, &c. for crossing nullahs.

II. Any landholder, farmer, tehsildar or other person in the possession or management of land, who may have been duly required by a Collector of the land revenue (or any public officer acting in that capacity) in pursuance of Section III. Regulation XI. 1806, to provide supplies for a body of troops, about to proceed by land or water, through any part of the British territories; or to make preparations of boats, temporary bridges or otherwise, for enabling the troops to cross rivers or nullahs intersecting their march; and after the receipt of such requisition shall wilfully disobey or neglect the same, or shall without sufficient cause fail to exert himself for the due execution of the duty so assigned to him, shall, on proof of such failure, neglect or disobedience to the satisfaction of the Collector (or other officer acting in that capacity) by whom the order may have been issued, or of his successor in the same office, be liable to a fine proportionate to the defaulter's condition in life and the circumstances of the case, in such amount as the Collector or other officer, with due regard to these considerations, may judge it proper to impose, so that the fine shall not in any case exceed the sum of one thousand sicca rupees.

Shall on proof of neglect or disobedience be punishable by a fine.

Not exceeding 1,000 Sicca Rupees.

The Collector to make a summary inquiry in presence of the party charged with neglect or disobedience or his representative.

The Collector may hold ex parte proceedings on failure of either to attend.

III. The Collector or other officer acting in that capacity, who may exercise the powers vested in him by this Regulation, shall previously make a summary inquiry, in the presence of the party charged with disobeying or neglecting the order issued to him or of his representative; if, on being duly summoned, he shall attend in person, or by vakeel, for that purpose: If he shall fail to attend either in person, or by vakeel, the summary inquiry shall be conducted ex-parte, and the Collector shall record upon his proceedings the whole of the evidence obtained in proof of the neglect or disobedience for which a fine may be imposed.

The amount of fine how to be levied.

Appeal to what authority preferable.

IV. The Collector or other officer, who may adjudge a fine under this Regulation, shall be competent to levy the amount by the same process as is authorized for the recovery of arrears of the public revenue. Provided that if an appeal be preferred from his decision, within six weeks from the date of it, to the Board of Revenue, in whose jurisdiction the district may be situate, and sufficient security be tendered for performing the judgment of the Board upon the appeal, the Collector

shall stay the execution of his order for levying the fine imposed by him, until he shall receive the final order of the Board.

Petition of appeal to be written on stamped paper.

V. Appeals from the orders of Collectors or other public officers, adjudging fines under this Regulation, may be preferred on the stamped paper prescribed for other appeals to the Revenue Boards, either immediately to the proper Board, or through the officer by whom the fine may have been adjudged; and on admission of the appeal the whole of the proceedings in the case shall be transmitted to the Board. But no such appeal shall be receivable after the expiration of six weeks from the date of the judgment; without proof of sufficient reason for the delay, to the satisfaction of the Board, by whom the case may be cognizable.

Limitation of Appeal.

A. D. 1825. REGULATION VII.

A REGULATION to explain and amend the Rules in force for the execution of Decrees, or other Judicial Process, by the Sale of landed property, or otherwise:—Passed by the Governor General in Council on the 14th April 1825, corresponding with the 3d Bysack 1232 Bengal era; the 10th Bysack 1232 Fusly; the 3d Bysack 1232 Willaity; the 11th Bysack 1882 Sumbut, and the 23d Shaban 1240 Higeree.

Preamble.

WHEREAS the Rules contained in Regulation XLV. 1793, re-enacted for Banares by Regulation XX. 1795, and for the Ceded Provinces by Regulation XXVI. 1803, "for disposing of Malgoozary and Lakheraj lands, pursuant to decrees of the Courts of Justice," have been found to require explanation and amendment, with respect to the sale of houses, gardens, orchards, and small portions of land held exempt from the public assessment; and whereas it appears expedient to establish some additional rules for the sale of such property, when requisite, in satisfaction of decrees, or other judicial process; as well as for the sale of landed property, in execution of such process, when made by the Revenue Officers of Government; at the same time enabling the Judges of the Civil Courts to obtain the aid of the Collectors in the enforcement of all Decrees relative to the proprietory right, or possession of land, when it may appear conducive to their speedy or complete execution, as well as to require security, or direct an attachment of property in certain cases, when the enforcement of a decree may be delayed, under the Eighth Clause of Section XV. Regulation XXVI. 1814; the Governor General in Council has, for these purposes, enacted the following Rules, to be in force, as soon as promulgated, throughout all the Provinces immediately, subject to the Presidency of Fort William.

Parts of the Regulations in force relating to sale of lands, in satisfaction of Decrees of Courts, explained and modified.

II. *First.*—Such parts of Regulations XLV. 1793, XX. 1795, and XXVI. 1803, or of any other Regulation in force, relative to the sale of lands, in satisfaction of Decrees of the Courts of Civil Judicature, as require that sales of landed property, in execution of such decrees, shall be made by the Collectors of the public Revenue, or other Officers of Government in the Revenue Department, are hereby explained and modified, as follows:

Sales of Houses, Gardens, Orchards and small portions of Lakheraj land in execution of decrees, to be conducted under the authority of the Judicial Officers.

Second.—The Rules contained in the regulations above mentioned shall not be considered applicable to the sale of houses, gardens, orchards, and small portions of land help exempt from the public assessment; the sale of which, when requisite in execution of any decree, as other judicial process, shall be made, as heretofore, by order of the Court or Officer empowered to enforce the decree or process, without application to the Board of Revenue, or the Collector of the District, or other Officer in the Revenue Department.

The sale of Landed property under a Judicial process to be conducted under the same forms as sales of personal property.

Third.—The Judge, Register, or other Officer, empowered under the Regulations to enforce a decree or other judicial process, by a sale of property, is authorized to cause the public sale of any house, garden, orchard, or small portion of Lakheraj land, which may be liable to be sold in execution of the decree, or other process, in like manner, as he is authorized to cause the public sale of any personal property liable to be sold in execution of the same.

The same Officers to be employed in the sale of houses, &c. as

III. *First.*—The Judges and Registers of the Zillah and City Courts, who usually employ the Nazirs of those Courts, or the Sudder Ameens at the station of

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the Judge and Register, and the local Moonsiffs in other parts of their jurisdictions, to conduct the public sale of personal property in execution of decrees or judicial process, are herby authorized to employ the same Officers, when it may appear expedient, in the public sale of houses, gardens, orchards, or small portions of Lakheraj land, under the provisions of this Regulation.

in the sale of landed property.

Second.—In all cases of attachment and intended sale, whether of personal property or of the landed property above described, in execution of any decree or other judicial process, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold and of the amount due, for the recovery of which the sale is ordered, shall be made in the current language of the country, for at least thirty days before the appointed day of sale, exclusive of the day of sale and the date on which the proclamation may be ordered. Such proclamation shall be made, in the usual mode, by beat of drum, on the spot where the property is attached; and a written notification, to the same effect, shall also be affixed in some conspicuous place within the village or town, in which the attachment may take place; as well as in the Cucherry of the local Moonsiff; and at the Cucherries of the Collector of the District; and the Zillah Judge, or Register who may have ordered the sale. When the sale is to be made by a Sudder Ameen, the notification shall also be affixed in the Cucherry of such Sudder Ameen.

A proclamation to be issued thirty days previously to the sale of such property.

How such proclamation is to be made and notified.

Third.—The usual processes for attachment and sale, in such cases, may either be issued successively, or simultaneously, as the Judge, Register, or other Judicial Officer, directing the sale, may, in each instance think proper, with reference to the circumstances of the case. But no sale shall in any instance take place without a previous proclamation, for the period specified in the preceding clause; and any material irregularity in the sale, which may be established, on a summary inquiry, to the satisfaction of the Judge, Register, or other officer, by whom the sale may have been ordered, shall be sufficient to invalidate the sale; provided that a petition, written on the stamped paper required for miscellaneous petitions to the Zillah and City Courts, and stating circumstantially the irregularity which may have taken place, be presented to the Judge, Register, or other officer, by whom the sale may have been ordered, within one month after the sale.

The usual processes for attachment, and sale may be issued simultaneously.

No sale to take place without the specified proclamation being made; and any material irregularity will render the sale liable to be declared invalid.

If a Petition on stamped paper be presented within one month after the sale.

Fourth.—Whenever a public sale may be set aside as invalid under the preceding Clause, or on any account whatever, and no collusion or fraud shall appear on the part of the purchaser, he shall be entitled to receive back his purchase money, on restoring any property delivered over to him, with or without interest, in such manner, as it may appear proper to direct in each instance.

In cases where sales are annulled and no collusion appears, the purchaser to have his purchase money returned with or without interest as may appear proper.

Fifth.—The summary decision passed by the Zillah or City Judges, or Registers, under this Section, shall be opened to a summary appeal to the Provincial Courts, under the general Rules, for such appeals.

Summary decision passed by Judges or Registers appealable to the Provincial Courts.

Sixth.—In the event of any claim being preferred to the property advertised for sale, under the provisions of this Section; or of any objection being offered to the proposed sale, within the period of the proclamation; such claim, or objection, shall be inquired into by the Judge, Register, or other officer, who may have ordered the sale, or may be referred for inquiry and report to a Sudder Ameen, or local Moonsiff; and if it appear necessary, the time of sale shall be postponed, till such claim or objection have been investigated; provided that the representation of it (which, in all instances, is required to be preferred to the Judge, Register, or Officer ordering the sale, as soon as practicable after the publication of the intended sale) shall not appear to have been designedly and unnecessarily delayed, with a view to obstruct the ends of justice. In such cases, when the fraudulent design may appear evident, the sale shall not be postponed; and the claimant shall be left to prosecute his claim, after the sale, by a regular Civil Suit.

How Judicial Officers are to proceed in cases where claims are made to advertised property or objections made to the sale of it.

Provided such claim or objection shall not have been designedly delayed.

But should the claim be urged with a fraudulent design, the sale is to proceed and the claimant left to prosecute in the Civil Court.

Seventh.—In all cases of a public sale of property, under this Regulation, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land, or other property sold, beyond the rights and interests therein of the individuals answerable for the amount of the decree, or other process, in execution of which the sale is made.

In all cases of sale of property, the bidders shall be apprized that nothing is guaranteed to them beyond the rights and interests of the individuals answerable for the amount of the decree.

IV. *First.*—The provision contained in the last Clause of the foregoing Section shall be considered applicable to all public sales of land made by the Collectors, or other officers of Government, in the Revenue Department, in execution of decrees

The provision contained in the foregoing Clause declared applicable to all pub-

Re sales of land made by Collectors or other Revenue Officers in execution of decrees of the Courts of Judicature or of other Judicial process.

of the Courts of Judicial process; and the following additional Rules are prescribed respecting such sales, in modification of those now in force.

The Courts how to proceed when a sale of landed property cannot be effected without application to the Revenue authorities.

Second.—When it may be necessary to have recourse to a sale of landed property in execution of a decree, or other Judical process, and the property pointed out for sale, by the person desiring execution of the decree, or other process, may not be such as the Court empowered to enforce the same, is authorized to bring to sale, without application to the Revenue Officers of Government, the Court whose duty it may be to execute the decree or process, shall transmit a copy and translation of the decree, or other process, to the local Board of Revenue, as directed in Regulation XLV. 1793, XX. 1795, and XXVI. 1803, and shall at the same time transmit a statement of the lands which the person entitled to the benefit of the decree, or other process, may point out as belonging to the person or persons from whom the amount may be demandable.

The Board of Revenue to instruct the Collector of the District in which the lands may be situated to select for sale any part of them which may appear most convenient.

Third.—The Board of Revenue on receipt of the documents above noticed, will proceed as directed in the Regulations referred to, and shall furnish the Collector of the district in which the lands proposed for sale may be situated with a copy of the statement so received; instructing him to select for the sale, any part of the lands included in the statement, which it may appear most convenient to sell in execution of the decree, or other process; and the sale of which may appear sufficient for that purpose.

In the event of any claim or objection against the sale, the Collector shall communicate the same to the Court and shall be guided by the instructions he may receive.

Fourth.—In the event of any claim being preferred, or objection offered, to the Collector, against the sale of the lands proposed to be sold, as not belonging to the person or persons answerable for the amount of the decree or other process to be enforced, and consequently not liable to be sold in execution thereof, the Collector shall communicate such claim, or objection, with any information which his official records may enable him to furnish on the subject, to the Court which may have applied for the sale; and shall be guided by the instructions which he may receive in answer, whether to proceed with the sale, or otherwise.

In cases where objections are communicated by Collectors, or claims preferred to lands ordered for sale, the Judge, &c. to institute a summary inquiry, and if requisite to instruct the Collector to postpone the sale.

Such postponement to be held unnecessary if the claim has not been preferred within a reasonable period.

Fifth.—In all cases of a claim, or objection, being communicated by a Collector to the Court, enforcing a decree or other process, under the foregoing Clause, or of a claim to lands proposed for sale in execution of judicial process, being received from the claimant, by the Judge, or other officer, who may have required the sale, it shall be his duty to enter upon an immediate summary inquiry into the truth and foundation of such claim; and if it appear proper he shall instruct the Collector to postpone the intended sale until such inquiry shall have been completed. Provided however that such postponement shall not be necessary when the claim, or objection, may not have been preferred within a reasonable time, after the Collector's publication of the intended sale, and may appear to have been intentionally delayed, with a view to obstruct the sale. In such cases the Court may order the sale to take place; and refer the claimant to a regular suit, in prosecution of his claim.

All Judicial authorities who may have ordered sales of lands by Revenue Officers empowered to declare such sales null and void, and to order a re-sale, if on summary inquiry, any material irregularity be satisfactorily established.

Proviso.

V. *First.*—A doubt having been entertained whether public sales of land, made by the Revenue Officers of Government, in satisfaction of decrees or other process of the Court of Judicature, can be summarily set aside without a regular Civil suit, or proof of irregularity in publishing and conducting the sale, or otherwise; it is hereby declared that the Zillah or City Court, or other Judicial authority, who may have ordered the sale in such cases, shall be competent to declare the same null and void, and to order a re-sale in the mode prescribed by the Regulations, if, on summary inquiry, any material deviation therefrom, and consequent irregularity in the sale, be satisfactorily established; provided that a petition containing a circumstantial statement of such irregularity, and written on the stamped paper required for miscellaneous petitions in the Zillah and City Courts, be presented to the Court by which the sale may have been ordered, within a month after the sale. In such

In certain cases the purchase money to be returned with or without interest.

cases the Court directing the sale to be set aside shall further be competent to direct a return to the purchase money, with or without interest, as provided for in similar cases, by the Fourth Clause, of Section III. of this Regulation.

Summary decisions passed under this section appealable to the Provincial Courts.

Second.—The summary decisions passed under this Section shall be open to a summary appeal to the Provincial Courts, under the general Rules for such appeals.

VI. By

VI. By the existing Regulations the Judge of the Zillah and City Courts, are required to transmit to the Collectors of their respective jurisdictions (as well as to the Board of Revenue) copies of all decrees which may be passed by them, or by their Registers; or which may be sent to them for enforcement by the Superior Courts; affecting the proprietary right to, or possession of, any lands paying revenue to Government, or held exempt from the payment of revenue; for the purpose of enabling them to make the requisite entries and alterations in the periodical Registers of land. The Judges of the several Civil Courts are further hereby authorized to require the aid of the local Collector, in the enforcement of all such decrees, whenever it may appear conducive to their speedy and complete execution; whether by giving possession to the parties entitled thereto; or by the adjustment of a Waselaut Account, or otherwise.

The Civil Courts may require the aid of the Collectors in the enforcement of decrees relating to Malgoozarree Land, whenever it may appear conducive to their speedy and complete execution.

VII. In explanation of the Eighth Clause of Section XV. Regulation XXVI. 1814, which provides that, in certain cases, "it shall be competent to the Court "applied to, for execution of a decree, instead of proceeding to the immediate "enforcement of the decree, to issue a notice to the party against whom execution "may be sued out, requiring him to show cause within a limited period to be fixed "by the Court, why the decree should not be executed against him," it is hereby declared that the above provision was meant to be imperative in the cases referred to, and not to leave a discretion with the Court; at the same time, with a view to guard against abuses, it is now further provided, that, whenever it may be shown, by satisfactory evidence, that the party against whom the decree was passed, or in the event of his decease, his legal representative who may have become answerable for the fulfilment of it, is about to remove, or dispose of, the property from which the judgment should be satisfied, the Court, proceeding, as directed in the Eighth Clause of Section XV. Regulation XXVI. 1814, shall be authorized to require security in such amount as may appear sufficient for making good the decree; and in the event of such security not being given, to cause an attachment of property; as provided for in similar cases, whilst a suit is depending, by Section V. Regulation II. 1806.

Clause Eight, Section XV. Regulation XXVI. 1814, explained, and the several Courts empowered to require Security for making good decrees, or in failure thereof to cause an attachment of Property.

A. D. 1825. REGULATION VIII.

A REGULATION to make further provision for the Employment of Native Officers in the Judicial Department; and to provide for the punishment of false and malicious Charges against the European Officers of Government:—Passed by the Governor General in Council on the 5th May 1825; corresponding with the 24th Bysaack 1232 Bengal era; the 3d Jeyte 1232 Fusly; the 25th Bysaack 1232 Willaity; the 3d Jeyte 1882 Sumbut; and the 16th Ramzan 1240 Higeree.

WHEREAS the Rules contained in Regulations II. 1793, V. 1795, and XXV. 1803, whereby the Collectors are prohibited from employing their private servants, or any persons except public and registered officers, in the discharge of any part of their public duties, as well as from conferring on their public officers any private trust relating to their personal concerns, have not been specifically enacted, by any Regulation in force for the guidance of the public officers in the Judicial Department, although the spirit of them is obviously applicable to the Rules enacted in Regulations V. 1804, and VIII. 1809, for the appointment of the Native Officers employed in that department; and whereas the Rules in force for receiving and proceeding upon charges of a serious nature against the European public officers, contain no provision similar to the enactment in Section V. Regulation VII. 1811, respecting malicious and unfounded charges preferred in the Zillah or City Courts, when the accusation or information against an European Officer of Government may be found on investigation to be manifestly groundless and malicious; with a view therefore to supply what is wanting in the existing Regulations on the points above noticed, the Governor General in Council has enacted the following Rules to be in force, as soon as promulgated, throughout all the Provinces immediately subject to the Presidency of Fort William.

Preamble.

II. *First.*—The whole of the Officers of Government, employed in the Judicial Department, civil or criminal, are prohibited, under penalty of dismissal from office,

All Officers in the Judicial Department prohibited under pe-

Penalty of dismissal from Office, from employing their private servants in the execution of any public duty.

from employing directly or indirectly their private servants of whatever description, or any other persons, not being public officers duly appointed or nominated in conformity with the Rules in force relative to such appointments, in the discharge of any part of their public duties, or in the execution of any public duty, in which the person so employed may not have been duly authorized to act.

And from employing any public Officers on their establishment, (not being Peons or or other inferior servants,) in the execution of any part of their private business, or private trust, relating to their personal concerns.

Second.—The whole of the Judicial Officers are in like manner, and under the same penalty, prohibited from employing any of the public officers on their establishments, not being Peons, or other inferior servants, in personal attendance upon a Judge, Magistrate, or other Officer of Government in the Judicial Department, in the performance of any part of their private business, or in the execution of any private trust relating to their personal concerns.

Any Native Officers in the Judicial Department, who may be disqualified from public employment, under the prohibitions referred to in the preceding section to be immediately removed for office.

III. If any of the Native Officers, now on the establishment of any officer of Government in the Judicial Department, shall be disqualified from continuing to hold the office now held by him, under the prohibitions contained in the preceding Section, he shall be immediately removed from such office, and a successor appointed to it, according to the Rules prescribed in the existing Regulations. Any neglect of this requisition will subject the party committing it to the same penalty as that provided for in the foregoing Section.

Any neglect of the above requisition will subject the party to the same penalty as that specified in the preceding section.

In all future nomination of Native Officers, the Judge and Magistrates are to state to the Provincial Courts, that the person so nominated is not disqualified under the provisions of the present Regulation.

IV. In all future nominations of Native Officers by the Judges and Magistrates or other Judicial officers, which may be submitted to the Provincial Courts of Appeal and Circuit, under the provisions of Regulation IX. 1809, or of any other Regulation in force, the Judge, Magistrate, or other officer making such nomination is required to state explicitly, in addition to the information called for by the existing rules, that the person so nominated is not disqualified under the provisions of the present Regulation; and it will, at all times, be the duty of the Provincial Courts to see that these provisions are observed; as well as to report any wilful infringement of them to the Courts of Sudder Dewanny or Nizamut Adawlut for the information and orders of Government.

Duty of the Provincial Courts to enforce the due observance of the above rules, and to report to the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, any wilful infringement of them.

The Court of Sudder Dewanny Adawlut, and Boards or other authority, declared competent to punish, after due investigation, persons preferring unfounded and malicious charges against European public Officers.

V. *First.*—Whenever an accusation or information of a serious nature against a European public Officer, which may have been preferred, and proceeded upon, in conformity with the provisions of Regulation XVII. 1813, or of any other Regulation in force, shall be found on investigation to be manifestly unfounded and malicious, it shall be competent to the Court of Sudder Dewanny Adawlut, Board of Revenue, Board of Trade, or other controlling authority passing a final judgment or order in the case, to punish the accuser, or informer, who may have preferred such groundless and malicious charge, or information, by imprisonment in the Civil or Criminal Jail with or without labour and irons for a period not exceeding six months, with a fine not exceeding five hundred rupees, commutable if not paid to a further period of imprisonment not exceeding six months; so that the entire period of imprisonment shall in no instance exceed one year.

The Court of Sudder Dewanny Adawlut to issue the necessary instructions to the proper officer for the execution of orders passed under the above clause.

Similar orders of the Board of Revenue and Board of Trade, or other authority how to be executed.

Second.—Whenever fine and imprisonment or either may be ordered under the above clause, by the Court of Sudder Dewanny Adawlut, it will, of course, be competent to that Court to issue the necessary instruction for the execution of the order so passed to the proper officer. In all other cases; viz. whenever the order may be passed by the Board of Revenue, Board of Trade, or any other controlling authority, acting under the provisions of Regulation XVII. 1813, Regulation VIII. 1817, or any other Regulation in force, an authenticated copy of the order shall be transmitted to the Register of the Sudder Dewanny Adawlut, with a request that the necessary measures for carrying the same into effect may be taken by that Court, who will thereupon issue the requisite instructions for that purpose, in like manner as if the order had been passed by the Sudder Dewanny Adawlut.

In what manner persons preferring, on oath, false and malicious charges against European public officers may be proceeded against.

VI. In case of an atrocious nature, wherein the accuser or informer may have been manifestly guilty of wilfully preferring a false and malicious charge of a serious nature, on oath, and it may appear necessary for the ends of justice, on due consideration of all the circumstances of the case, that instead of being subjected to a fine and imprisonment under the provisions of the foregoing Section, he should be criminally

criminally prosecuted on a charge of perjury, the proceedings held in the case shall be transmitted by order of the controlling authority to the Court of Nizamut Adawlut, which Court, if it shall be of opinion that there are sufficient grounds for a criminal prosecution, will issue the necessary instructions for the same to be conducted by the Vakeel of Government before the Court of Circuit, to which the offender may be amenable, or in which it may appear proper to bring him to trial.

A. D. 1825. REGULATION IX.

A REGULATION for extending the operation of Regulation VII. 1822, for authorizing the Revenue authorities to let in farm Estates under temporary leases, on the default of the Malgoozars, or to hold the same Khâs for a term of years, for modifying and adding to the Rules contained in Regulation II. 1819, and for making certain other amendments in the existing Regulations:—Passed by the Governor General in Council on the 5th May 1825; corresponding with the 24th Bysaack 1232 Bengal era; the 3d Jeyte 1232 Fussily; the 25th Bysaack 1232 Willaity; the 3d Jeyte 1882 Sumbut; and the 16th Ramzan 1240 Higeree.

Preamble.

WHEREAS the provisions of Regulation VII. 1822, are in force only within the Ceded and Conquered Provinces, in the District of Cuttack, and in the Pergunnah of Puttaspore and its dependencies; and whereas there are within the other Provinces belonging to this Presidency various Mehals and tracts for which a permanent settlement has not yet been concluded, and it appears to be advisable that the Revenue authorities should be vested, in regard to such Mehals and tracts, with the same powers as belong to the like officers within the Ceded and Conquered Provinces; and whereas the principle of the Rules contained in the said Regulation, relative to lands held free of assessment or at a Mocurruree Jumma under special grants, is equally applicable to such tenures in all parts of the country: and it appears to be likewise expedient to make provision for the occasional exercise by the Revenue Officers in the Lower Provinces, of the powers specified in the said Regulation, for the summary trial of certain suits between individuals, subject as therein provided to an appeal to the Adawlut by a regular suit: and whereas a frequent recourse to the sale of lands, for the recovery of arrears of Revenue in districts of which the assessment has not been fixed in perpetuity being inexpedient, it appears to be necessary and proper that the Revenue authorities should be empowered to let in farm for a term of years the estates of defaulters under temporary leases, or to hold the same Khâs for the purpose of making a Ryotwar settlement, where that measure may be deemed advisable; and whereas it has appeared to be expedient to modify and to add to the provisions contained in Regulation II. 1819, and whereas the Rules prohibiting the collection of Sayer duties, and the provision contained in Section XXXIX. Regulation IX. 1810, having been considered applicable to several items of Sewaee collections or cesses levied by the Malgoozars and others for local purposes, and according to ancient usage, which it would be injurious to abolish, it appears to be expedient to provide for the continuance of such collections when sanctioned by Government, the following rules have been enacted to be in force from the date of their promulgation, within the provinces belonging to the Presidency of Fort William.

The provisions contained in Clause sixth, Section II. and thirty-three following Sections of Regulation VII. 1822, extended to all lands not included within the limits of estates for which a permanent settlement has been concluded.

II. *First.*—The provisions contained in Clause 6th Section II. and in the thirty-three following Sections of Regulation VII. 1822, are hereby extended to all lands (including Jageers, Mocurruries and other tenures held free of assessment or at a quit-rent under special grant) not included within the limits of estates for which a permanent settlement has been concluded in the manner prescribed by Regulation VIII. 1793, and Regulations II. and XXII. 1795, as far as the same may be applicable.

Such provisions to be in force in all estates held under Khâs management.

Second.—The said provisions shall likewise be in force in all estates, which may now or hereafter be held Khâs, during the period for which they may be so managed.

And to be held applicable to the Sunderbuns, the Hill lands

Third.—The provisions aforesaid shall also apply to the Sunderbuns, the hill lands of Bhaugulpore and other extensive forests and wastes, not included within

of Bhaugulpore, and generally to all forests and wastes not specified in the settlement accounts.

the limits of Pergunnahs, Mouzahs or other Revenue divisions, specified at the time of settlement as belonging to the Mehals then assessed ; as well as to all estates bordering on such forests and wastes.

The Governor General in Council may vest any Collector, &c. with the several powers specified in Section XX. Regulation VII. 1822, within such limits as may be considered advisable.

III. It shall be competent to the Governor General in Council to vest any Collector, or other officer exercising the powers of Collector, within the provinces of Bengal, Behar, Orissa and Benares, with the several powers specified in Section XX. Regulation VII. 1822, in the manner specified in the second clause of that Section, within such local limits as may from to time appear to be advisable : and the several provisions contained in Section XXI. and the fourteen following Sections shall apply to the several Pergunnahs or other local divisions so placed under the jurisdiction of the Collector, or other officer aforesaid.

In such cases the several provisions contained in Section XXI. &c. to be considered applicable.

Rule of proceeding when an arrear of Revenue on account of Mehals not permanently assessed may not be paid within one month after it becomes due and objections appear to a public sale.

IV. Whenever an arrear of Revenue shall accrue on account of Mehal, for which an engagement may have been taken by the proprietors or persons recorded as proprietors, not being an estate of which the assessment has been fixed in perpetuity, and the Malgoozars shall fail to discharge the same within one month of the date on which it became due, then if there shall appear to be any objection to the sale of the estate, and the arrears cannot otherwise be recovered (on which points the decision of the Revenue authorities is to be held conclusive) it shall be competent to the Collector or other officer exercising the powers of Collector, with the sanction of the Board, and subject to the orders of the Government, to annul the existing engagements with the Malgoozars, and to let the Mehal in farm for such period, not exceeding fifteen years, as the Governor General in Council may appoint or to hold the Mehal under Khâs management for a like period. In such cases, if the Mehal shall yield a higher Jumma than that for which the Malgoozars may have engaged, the excess shall in the first place be appropriated to the liquidation of the arrear due on account of it, or such portion thereof as the farmer may not have separatly agreed to discharge or as may not otherwise have been recovered, and, ou of any surplus remaining, the Malgoozars shall receive such Malikana, not b ng less than 5 per cent. nor more than 10 per cent. on the assessment of the last year of their engagement, as the Governor General in Council, may direct.

Existing engagements may be annulled and the Mehal let in farm.

If a higher Jumma be obtained, the excess to be appropriated to the liquidation of the arrear and to the payment of Malikana to the Malgoozar.

Rules in modification of certain Sections of Regulation II. 1819.

V. *First.*—The following rules are enacted in modification of Sections V., VI. VIII., X., XI., XIII., XV., XXII., and XXX. of Regulation II. 1819.

Collectors, &c. employed in making a settlement of lands to issue a notification and to require the appearance before him of all persons holding lands free of assessment.

Second.—Whenever a Collector, or other officer exercising the powers of Collector, shall visit or be about to visit any Mehal for the purpose of making a settlement in the manner prescribed in Regulation VII. 1822, it shall be competent to him by a notification to be stuck up in some conspicuous place within such mehal, and each village thereof, if consisting of several villages, to require all persons holding lands free of assessment, or at a fixed jumma within or adjoining to the village or villages in which the lands of such mehal or any part thereof may be situate, to appear before him either in person or by vakeel within a reasonable time, not being less than one month from the date of such notification, at such place within the mehal as he may select for holding his office, and to attend him from day to day while he may continue within the mehal, with all Sunnuds or other writings in virtue of which they may possess the lands or under which the lands may have been or may be claimed to be held free of assessment or at a fixed Jumma, together with any evidence they may desire to have taken in support of their claims.

Who are to continue their attendance from day to day and to produce all Sunnuds or other writings under which they claim to hold the lands rentfree or at a fixed Jumma.

Collectors, &c. engaged in the settlement of Mehals empowered to have such lands measured without awaiting a previous reference to the Board of Revenne.

Third.—It shall likewise be competent to Collectors and other officers aforesaid, when engaged in the settlement of any mehal under the rules of the regulation above mentioned, or preparatory thereto, to measure or cause to be measured, without a previous reference to the Board of Revenue, all lands, whether malgoozaree or lakheraj, belonging or adjoining to the village or villages in which such mehal or any part thereof may be situated.

Collectors upon commencing the settlement of Mehals to give public notice by an Ishtahar one day previous to that on which it is intended to hold proceedings

Fourth.—When the Collector or other officer aforesaid shall have commenced the settlement of any mehal, in regard to which he may have issued a notification as aforesaid, and shall propose to hear the Claims of persons holding lands free of assessment or at a fixed jumma, and to receive their Sunnuds and other writings as aforesaid, or any of them, the period fixed in the notification for the attendance of such parties being arrived, he shall on the day preceding that on which he may intend

intend to hold proceedings in the said cases or any of them, notify such intention by an Ishtahar stuck up in his office and in some place open to the public within the mehal.

in any of the cases proposed to be investigated.

Fifth.—If any person holding land free of assessment or at a fixed jumma as aforesaid, shall fail to attend either in person or by vakeel, after notice being given in the manner above prescribed, the Collector shall be competent to proceed ex parte to investigate the title of such party to hold the land in his possession free of assessment, and with the sanction of the Board of Revenue to resume the said lands if they appear to be held on an invalid title. Nor shall any person defaulting as above, or neglecting to appear and give answer when required to do so, in the manner prescribed in Regulation II. 1819, be entitled to stay the resumption and assessment of his lands, under the rule contained in the XXII. Section of that Regulation. Provided further that the rule contained in Clause II. Section XIII. Regulation II. 1819, shall be and be held applicable to such persons, as well as to persons who may appear when summoned under the provisions of that Regulation or in the manner hereinbefore provided.

Collectors empowered to proceed ex parte in investigations should persons fail to attend after due notice given them.

And with the sanction of the Board of Revenue to resume such lands if they appear to be held on an invalid title.

Defaulters neglecting to appear or to furnish the information required from them not entitled to stay the resumption and assessment of their lands.

Sixth.—It shall be competent to Collectors and other officers making settlements as aforesaid, either to complete the investigation of the Claims of Persons holding land free of assessment, or at a fixed jumma, under the Rules of the fifteenth and following Sections of Regulation II. 1819, with the modifications hereinafter provided, during the progress of the Settlement, or to limit their proceedings to the ascertainment of the land actually held under such tenures, and the record of the title-deeds produced by the parties, postponing the further investigation of the case to a future period. When any Collector or other officer may postpone the investigation of any case as aforesaid, he shall at the same time notify to the party the time and place at which the further investigation is to be held; or if circumstances prevent him from doing so, he shall, before resuming the inquiry, give the party one month's notice to attend; and on the failure of any party to attend when so warned, the Collector or other officer aforesaid shall be competent to proceed to try the case ex-parte, and with the sanction of the Board to resume and assess the lands.

Collectors, &c. engaged in making settlements may either complete the investigations of claims under the rules in force or limit their proceedings to certain points.

When investigations are postponed, Collectors to give the party due notice previous to resuming the inquiry.

And if the party should fail to attend, the case may be tried ex parte, and the Collector may with the sanction of the Board of Revenue resume and assess the lands.

Seventh.—Collectors or other officers who may proceed to investigate claims to Lakheraj lands during the progress of a settlement, shall follow the Rules of the fifteenth and following Sections of Regulation II. 1819, in all cases wherein the parties may attend and deny the liability of their lands to assessment subject to the modifications hereinafter provided.

Collectors, &c. in investigating claims to Lakheraj lands to be guided by the provisions of Section XV. &c. Regulation II. 1819.

Eighth.—No lands shall be resumed by a Collector, even though the parties may confess that they are liable to assessment, without the sanction of the Board of Revenue, save and except as hereinafter provided; but on such confession duly attested, which will of course supersede the necessity of any further inquiry, it shall be competent to the Board forthwith to direct the lands to be assessed, unless the same be held by village or zemindaree servants in lieu of wages, which shall not be resumed without the sanction of government. Provided also, that in all cases wherein it may appear to the Board that the resumption of lands held free of assessment would occasion serious distress to the holders, it shall be their duty to submit a report of the circumstances to the Governor General in Council.

Collectors, &c. prohibited from resuming lands even though the parties acknowledge such lands to be liable to Assessment, without the sanction of the Board of Revenue.

The Board in such cases to direct the assessment of the lands unless they are held by servants in lieu of Wages which are not resumable without the sanction of Government.

Ninth.—The provisions of Clause first, Section XXIII. Section XXV. and Section XXVIII. Regulation VII. 1822, shall be applicable to cases investigated by Collectors, under the rules of Regulation II. 1819, or under the provisions of this Regulation.

Specific provisions of Regulations which the Collectors are to consider applicable to cases investigated by them.

Tenth.—It shall not be necessary to use stamped paper for the proceedings held or exhibits filed before the revenue authorities in cases originating with a Collector or other officer of government, claiming to assess land held free of assessment; but the said authorities are authorized in the said cases, as in all other cases wherein they may exercise judicial powers under the provisions of the existing Regulations, to award to witnesses their reasonable charges and to levy the same, as well as all costs adjudged by them, by the process in force for the recovery of arrears of the Government Revenue.

Stamped Paper for proceedings in cases originating with Collector declared to be unnecessary.

Witnesses to be awarded all reasonable charges which as well as costs are to be levied by the process in force for the recovery of arrears of revenue.

Specification of documents and particulars to be submitted to the Collector by persons claiming to hold lands free of assessment.

Eleventh.—Persons claiming to hold lands exempt from Revenue shall, with their petitions of plaint, deliver to the Collector or other officer to whom the same may be preferred, all sunnuds and other writings on which their claim may be founded; and shall insert in the said petition a full specification of the several particulars required to be registered by the rules in force, relative to the registry of rent-free tenures, and of the grounds on which their claim is founded.

Collector, in case the claim should involve only the interest of Government, to proceed in the investigation of it, giving eight days previous notice to the party.

If the claim shall involve only the interests of Government, the Collector shall proceed without delay to investigate the case, giving, however, eight days previous notice to the party of the day on which he may propose to bring it to a hearing in the mode prescribed for the Civil Courts.

But if the claim be against an individual singly or jointly with Government, the Collector is to serve the party with a notice containing a statement of the demand, and requiring his attendance with the necessary documents and evidence.

If the claim shall be against any individual singly or jointly with Government, the Collector shall serve him with a notice containing a statement of the demand, and requiring his attendance in person or by vakeel duly authorized, within the period of one month, with any papers or evidence he may desire to produce in denial of the claim: and on the appearance of such defendant, the Collector, after allowing him to inspect and examine the claimant's petition of plaint, and the writings therein referred to, shall call upon him to deliver within the period of seven days a statement of the objections he may desire to urge against the claim.

Defendant's answer to be given within seven days.

In such cases no further pleadings to be required, but Collectors may receive and record such subsidiary proceedings as are calculated to elucidate the claims.

In such cases no other pleadings shall be required from the parties than a plaint and answer, but it shall and may be lawful for Collectors to receive and record such subsidiary pleadings as may appear requisite for the elucidation of the merits of the claim.

After the receipt of the defendant's answer, eight days notice to be given of the day on which it is proposed to bring it to a hearing.

Collectors shall proceed to investigate every such case as soon as possible after the answer of the defendant shall be received; giving, however, as aforesaid, eight days previous notice to the parties, of the day on which he may propose to bring it to a hearing.

Proviso in case an immediate decision shall be petitioned for.

Provided, that in cases wherein the parties concerned, or their authorized representatives, shall desire or consent (the same being signified in a written petition or ikrarnameh to be filed with the proceedings) to have an immediate decision, whether the case shall originate in a claim on behalf of Government or in the suit of an individual, and whether the proceedings of the Collector shall be held under the provisions of Regulation II. 1819, or under those of this or any other Regulation touching the matter, it shall be competent to the Collector to proceed forthwith to the investigation and decision of the case without issuing any formal summons or notice.

Collectors, &c. if of opinion that any tract of land belongs to Government and that no individual has bonâ fide possession thereof, to require by a notification the attendance before him of all claimants within a given period.

Twelfth.—Whenever a Collector, or other officer exercising the powers of Collector, shall be of opinion that any tract of land belongs to Government, and that no individual has bonâ fide possession thereof, it shall be competent to him, by a notification, to be stuck up in his Kutcherrie, in the Zillah Court and in the Kutcherrie of the Canoongoe, Moonsif, or Thanadar, to whose jurisdiction the land in question may belong or adjoin, to require all claimants to the same to appear before him within a reasonable time, to be fixed by the Board of Revenue, not being less than six weeks from the date of such notification;

And on the appearance of such claimants to proceed in the investigation of the claims in the mode prescribed by Regulation II. 1819.

and on the appearance of such claimants to proceed to investigate their claims in the manner prescribed by Regulation II. 1819, for investigations relative to the liability of lands to be assessed as herein modified.

Proviso in case no person has bonâ fide possession of the land.

Provided further, that if the Collector or other officer aforesaid shall decide that none of the claimants have bonâ fide possession of the lands in question, and his decision shall be affirmed by the Board of Revenue, the said lands shall be at the disposal of Government, until the same shall be adjudged to be private property by a decree of Court on a regular suit.

Further Proviso.

Provided also, that all such suits, if preferred by one of the claimants before the Collector, shall be dismissed with costs, unless instituted within six weeks of the date on which the Board may affirm the decision of that officer, and that the rule contained in Clause II. Section XIII. Regulation II. 1819, shall be strictly applied to such suits: nor shall any such suit be admitted on the part of any person who may not have appeared before the Collector pursuant to notice unless he shall be able to show good and sufficient cause for his non-appearance, and shall apply for permission to sue within six weeks of his being informed of the Board's decision: Provided further, that if the party shall not prosecute his suit within six weeks of being permitted to sue, the suit shall be dismissed with costs.

Power reserved to the Governor General in Council to vest any Collector, &c. deputed to hold a local inquiry within the

VI. It shall be competent to the Governor General in Council by an order in Council to vest any Collector or other officer who may be deputed to hold a local inquiry within the limits of any Mehal, with the same powers and authority in regard to all lands held free of assessment within or adjoining to the village or villages,

villages, in which the lands of such Mehal, or any part thereof, may be situated; and for the investigation of all claims touching such lands as by the foregoing provisions are vested in Collectors making settlements in the manner prescribed by Regulation VII. 1822; and also from time to time to depute Collectors or other officers aforesaid for the purpose of ascertaining, recording, or investigating the said claims in the manner above prescribed.

limits of any Mehal with the same powers and authority in regard to lands held free of Assessment in all villages adjoining such Mehal.

VII. The particulars of all lands held free of assessment within all villages and Mehals, of which the settlement may be made under the provisions of Regulation VII. 1822, shall be fully recorded in the proceedings of the Collector or other officer making the settlement.

All lands held free of Assessment within villages and Mehals, of which the settlement may be made, under Regulation VII. 1822, to be particularized and fully recorded on the proceedings of the Collector, &c.

VIII. Nothing contained in Regulation II. 1819, or in any other Regulation in force, shall affect or be considered to affect the provisions contained in Section X. Regulation XIX. 1793, Section XI. Regulation XXXI. 1803, and in the corresponding enactments applicable to Benares and the conquered provinces, relative to grants illegally made, subsequently to the dates specified in the said Rules respectively: and in all cases in which it shall be established to the satisfaction of the revenue authorities, that any lands now held free of assessment, were subject to the payment of the revenue at the dates aforesaid or subsequently thereto, and that they have not been thereafter exempted from the payment of revenue under the authority of the Governor General in Council, nor adjudged to be exempted from payment of revenue under a regular decree of Court; it shall and may be lawful for the said authorities forthwith to resume and assess the said lands; save and except in cases wherein the revenue of the same may belong to a Zemindar, Talookdar, or other Malgoozar, with whom a permanent settlement has been concluded; nor shall the provisions of Section XXII. Regulation II. 1819, apply to such cases.

Nothing contained in Regulation II. 1819, &c. to be construed to affect specific enactments applicable to Benares and the Conquered Provinces relative to illegal grants of land made subsequent to the dates specified in the rules respectively.

Lands now held free of Assessment that were formerly subject to the payment of revenue and have not since become exempted by competent authority, may be resumed and assessed by the revenue authorities. Exception in cases where the Revenue may belong to a Zemindar, &c. with whom a permanent settlement has been concluded.

IX. It is hereby declared and enacted, that the rules relative to the abolition of Sayer duties, and the provision contained in Section XXXIX. Regulation IX. 1810, are not and shall not be held to be applicable to any item of Sewaee Collections or Cess levied by Malgoozars and others according to ancient custom, which has been or shall be sanctioned by a Collector or other superior revenue authority, not being a tax on the transport, export, or import of goods or merchandize, or other tax or duty specifically prohibited: but after the settlement of any village or Mehal shall have been made in the manner specified in Section IX. Regulation VII. 1822, the rules and provisions aforesaid shall be applicable to all cesses and collections not sanctioned in the manner specified in that Section.

The Rules relative to the abolition of the Sayer duties and the provisions contained in Section XXXIX. Regulation IX. 1810, declared inapplicable to any item of Sewaee Collections or cess levied by Malgoozars, &c.

After the settlement of any Mehal shall have been made, the rules adverted to shall be applicable to all cesses not sanctioned in the mode specified in Section IX. Regulation VII. 1822.

A. D. 1825. REGULATION X.

A REGULATION more distinctly to define the meaning and intent of the provisions contained in Regulations XXXI. of 1793, and XXXVII. of 1803, which prescribe Rules for the conduct of Commercial Residents carrying on Trade for themselves:—Passed by the Governor General in Council on the 19th May 1825, corresponding with the 7th Jeyte 1232 Bengal era; the 17th Jeyte 1232 Fussily; the 8th Jeyte 1232 Willaity; the 1st Jeyte 1882 Sumbut; and the 30th Rumzan 1240 Higeree.

BY the several Clauses of Section XV. Regulation XXXI. of 1793, and the corresponding Clauses of Section XV. of Regulation XXXVII. of 1803, Rules are prescribed for the conduct of Commercial Residents, in carrying on trade for themselves; and whereas the Seventh, Eighth and Tenth Clauses, of the above-mentioned Sections have not been construed to prohibit Commercial Residents from being engaged in partnership concerns in trade, and it being deemed expedient strictly to prohibit Commercial Residents, and their assistants from having concerns in partnership with any person or persons under any modification whatever, and it

Preamble.

being also expedient clearly to define what is meant by the partnership transactions which are prohibited, the following additional Rules have been enacted, to be in force from the period of their promulgation.

Commercial Residents and their Assistants prohibited from engaging in any commercial transactions in partnership with others, and partnership concerns now existing to be dissolved on or before the 31st December 1826.

II. Commercial Residents and their Assistants are strictly prohibited from engaging in any Commercial transaction in partnership with any person or persons, under any modification whatever, and any of the said Commercial Servants, who may now be actually so engaged, are required to dissolve such partnership concern, on or before the 31st December 1826, and to give to the Board of Trade a declaration in writing, that such partnership is dissolved.

But are not forbidden from becoming Members of Insurance Companies, or Contributors to a Tontine or parties in any general association.

III. It is hereby declared, that the Rule enacted by the preceding Section is not to be construed to forbid Commercial Residents or their Assistants, from becoming Members of Insurance Companies, or from being contributors to a Tontine or parties in any general association, the objects of which were not contemplated by Section XV. Regulation XXXI. of 1793, and by Section XV. Regulation XXXVII. of 1803.

A. D. 1824. REGULATION XI.

A REGULATION for declaring the Rules to be observed in determining claims to Lands gained by alluvion, or by dereliction of a River, or the Sea: —Passed by the Governor General in Council on the 26th May 1825; corresponding with the 14th Jeyte 1232 Bengal era; the 24th Jeyte 1232 Fusly; the 15th Jeyte 1232 Willaity; the 9th Jeyte 1882 Sumbut; and the 7th Sowaul 1240 Higeree.

Preamble.

IN consequence of the frequent changes which take place in the channel of the principal rivers that intersect the provinces immediately subject to the Presidency of Fort William, and the shifting of the Sands which lie in the beds of those Rivers, *Churs*, or Small Islands, are often thrown up by alluvion in the midst of the stream, or near one of the banks, and large portions of land are carried away by an encroachment of the River on one side, whilst accessions of land are at the same time, or in subsequent years gained by dereliction of the water on the opposite side, similar intances of alluvion, encroachment, and dereliction also sometimes occur on the Sea-coast, which borders the southern and south-eastern limits of Bengal. The lands gained from the Rivers or Sea by the means above mentioned are a frequent source of contention and affray, and although the law and custom of the Country have establlshed rules applicable to such cases, these rules not being generally known, the Courts of Justice have sometimes found it difficult to determine the rights of litigant parties claiming *Churs* or other lands gained in the manner above described. The Court of Sudder Dewanny Adawlut, with a view to ascertain the legal provisions of the Mahommedan and Hindoo Laws on this subject, called for reports from their Law Officers of each persuasion, and on consideration of the Reports furnished by the Law Officers in consequence, as well as of the decisions which have been passed by the Court of Sudder Dewanny Adawlut in cases brought before them in appeal which involved the rights of claimants to lands gained by alluvion, or by dereliction of Rivers, or the Sea, the Governor General in Council has deemed it proper to enact the following rules for the general information of individuals as well as for the guidance of the Courts of Judicature; to be in force, as soon as promulgated throughout the whole of the Provinces subject to the Presidency of Fort William.

Claims and disputes relative to alluvial lands to be decided by immemorial and definite usage when such shall be clearly recognized and established.

II. Whenever any clear and definite usage of *Shekust pywust*, respecting the disjunction and junction of land, by the enroachment or recess of a River may have been immemorially established, for determining the rights of the proprietors of two or more contiguous estates, divided by a river (such as that the main channel of the River dividing the estates shall be the constant boundary between them, whatever changes may take place in the course of the River, by encroachment on one side, and accession on the other) the usage so established shall govern the decision of all claims and disputes relative to alluvial land, between the parties whose estates may he liable to such usage.

III. Where

Where no such local usage may be established, the claims to be decided by the rules declared in the following Sections.

III. Where there may be no local usage, of the nature referred to in the preceding Section, the general rules declared in the following Section shall be applied to the determination of all claims and disputes, relative to lands gained by alluvion or by dereliction either of a River or the Sea.

Lands gained by gradual accession from the recess of a river or the sea, to be considered an increment to the tenure of the person to whose estate it may be annexed.

Proviso.

IV. *First.*—When Land may be gained by gradual accession, whether from the recess of a river, or of the Sea, it shall be considered an increment to the tenure of the person to whose land or estate it is thus annexed, whether such land or estate be held immediately from Government, by a Zemindar or other superior Land-holder, or as a subordinate tenure, by any description of under-tenant whatever. Provided that the increment of land thus obtained shall not entitle the person in possession of the estate or tenure to which the land may be annexed, to a right of property or permanent interest therein beyond that possessed by him in the estate or tenure to which the land may be annexed, and shall not in any case be understood to exempt the holder of it, from the payment to Government of any assessment for the public Revenue, to which it may be liable under the provisions of Regulation II. 1819, or of any other Regulation in force. Nor if annexed to a subordinate tenure, held under a superior Land-holder, shall the under-tenant whether a Khoodkhast Ryot, holding a Mouroosee Istimraree tenure at fixed rate of rent per Begah, or any other description of under-tenant liable by his engagements, or by established usage to an increase of rent for the land annexed to his tenure by alluvion, be considered exempt from the payment of any increase of rent to which he may be justly liable.

When a River by a sudden change of its course may break through and intersect an estate, the lands so separated being clearly recognised, shall remain the property of the original owner.

Second.—The above rule shall not be considered applicable to cases in which a river, by a sudden change of its course, may break through and intersect an estate, without any gradual encroachment, or may by the violence of stream separate its considerable piece of land from one estate, and join it to another estate, without destroying the identity, and preventing the recognition of the land so removed. In such cases the land on being clearly recognised, shall remain the property of its original owner.

Churs or Islands thrown up in a large and navigable river, (the Channel between the Island and the shore not being fordable,) to be at the disposal of Government.

But if fordable, to whom they shall belong.

Third.—When a *Chur* or Island may be thrown up in a large navigable river (the bed of which is not the property of an individual), or in the Sea, and the Channel of the river, or sea, between such island and the shore may not be fordable, it shall, according to established usage, be at the disposal of Government.—But if the Channel between such Island and the shore, be fordable at any season of the year, it shall be considered an accession to the land, tenure, or tenures, of the person or persons whose estate or estates may be most contiguous to it, subject to the several provisions specified in the first Clause of this Section, with respect to increment of land by gradual accession.

Claims to Churs, &c. &c. thrown up in small and shallow rivers how to be determined.

Fourth.—In small and shallow rivers, the beds of which with the Julkur right of fishery, may have been heretofore recognised as the property of individuals, any sand bank or *Chur* that may be thrown up, shall, as hitherto, belong to the proprietor of the bed of the river, subject to the provisions stated in the first Clause of the present Section.

Disputes relative to lands gained by alluvion or by dereliction of a river or the sea, not provided for by the provisions of the present Regulation how to be adjusted.

Fifth.—In all other cases, viz. in all cases of claims and disputes respecting land gained by alluvion, or by dereliction of a river, or the sea, which are not specifically provided for by the rules contained in this Regulation; the Courts of Justice, in deciding upon such claims and disputes shall be guided by the best evidence they may be able to obtain of established local usage, if there be any applicable to the case, or if not, by general principles of equity and justice.

Encroachments on beds of navigable rivers and other obstructions to their free navigation prohibited.

V. Nothing in this Regulation shall be construed to justify any encroachments by individuals on the beds or channel of navigable rivers or to prevent Zillah and City Magistrates or any other Officers of Government, who may be duly empowered for that purpose, from removing obstacles which appear to interfere with the safe and customary navigation of such rivers, or which shall, in any respects obstruct the passage of boats by tracking on the banks of such rivers, or otherwise.

A. D. 1825. REGULATION XII.

A REGULATION for defining the powers of the Courts of Circuit, and of the Nizamut Adawlut, in certain cases; for the uniform punishment of contempts of Court in any of the Courts of Judicature, Civil or Criminal; for exempting Females from corporal punishment by stripes, and for discontinuing the Corah as an instrument of punishment in all cases:—Passed by the Governor General in Council on the 26th May 1825; corresponding with the 14th Jeyte 1232 Bengal era; the 24th Jeyte 1232 Fussily; the 15th Jeyte 1232 Willaity; the 9th Jeyte 1882 Sumbut; and the 7th Sowaul 1240 Higeree.

Preamble.

WHEREAS it appears expedient to restrict the Criminal Courts from adjudging coporal punishment by stripes in cases of Affray and Contempt of Court; to discontinue the use of the Corah as an instrument of punishment in all cases; to exempt females from corporal punishment by stripes; to establish an uniform Rule for the punishment of contempts of court in any of the courts of judicature, civil or criminal; to reduce in some degree the number of trials now referrable to the Court of Nizamut Adawlut, by providing for a final sentence to be passed by the Courts of Circuit in cases of Culpable Homicide not amounting to Murder, and other cases in which the Courts of Circuit are declared competent to pass sentence for a period of imprisonment not exceeding seven years, with a provision for referring the trial to the Nizamut Adawlut, if the Judge of Circuit shall in any instance consider the state of punishment to be insufficient: and whereas, it is deemed proper to sanction by a legislative enactment the established practice of the Nizamut Adawlut of requiring the concurrence of at least two Judges of that court in all sentences of death; the Governor General in Council has accordingly enacted the following Rules, to be in force as soon as promulgated throughout all the Provinces immediately subject to the Presidency of Fort William.

Rescinding the Rules which authorize the Courts of Circuit to adjudge corporal punishment by stripes in cases of affray.

II. So much of Regulation II. 1823, or of any other Regulation in force, as authorizes the Courts of Circuit to adjudge corporal punishment by stripes in cases of affray, is hereby rescinded.

No Female to be hereafter sentenced to corporal punishment by stripes by any of the Courts of Criminal Justice.

III. No Female shall hereafter be sentenced to corporal punishment by stripes, either by the Magistrates and their assistants, or by any of the courts of Criminal Justice.

The use of the Corah as an instrument of punishment prohibited in all cases, and the Ratan to be used in its stead.

The term Corah in the Regulations to be changed to Ratan.

IV. The use of the Corah as an instrument of punishment in the execution of sentences of any of the criminal courts, is hereby prohibited. In future the Ratan shall be used as the only instrument of punishment in the infliction of corporal punishment by stripes. The sentences and warrants of the Criminal Courts shall direct the same accordingly, and whenever the term "Corah" is used in the existing Regulation, the term "Ratan" shall be understood as substituted for it by this Regulation.

Corporal punishment by Ratan for Contempt of Court in the Courts of Circuit prohibited.

V. *First.*—Section LIX. of Regulation IX. 1793, and Section XXVIII. of Regulation VII. 1803, which authorize the infliction of corporal punishment by Ratans for Contempt of Court in the Courts of Circuit are hereby rescinded.

Persons, guilty of Contempt of Court in any of the Criminal Courts, to be liable to a fine, commutable if not paid to imprisonment in the Civil Jail.

Second.—All persons amenable to the authority of the established Criminal Courts, who may be guilty of contempt of court in any of such courts, shall be liable to a fine proportionate to the circumstances of the case, not exceeding two hundred rupees, by order of the court in which the offence may be committed; and if the fine be not paid, the offender shall be confined in the civil jail of the station, for such period as may be fixed in commutation thereof, not exceeding two months.

Rule to be observed on the occurrency of Wilful Contempts in the Courts of the Sudder Ameens and native Law officers.

Third.—This rule is meant to include wilful contempts in the courts of the native law officers and Sudder Ameens to whom complaints of petty offences may be referred for trial, under the provisions of Regulation III. 1821, but the orders passed by the law officers and Sudder Ameens in such cases, shall be immediately reported to the local Magistrate or joint Magistrate, with a copy of the proceeding held in the case for his consideration and orders.

VI. *First*

VI. *First.*—The above rule commuting the penalty of fine when not paid to imprisonment for a period not exceeding two months, shall also be considered applicable to all the Civil Courts already authorized by the Regulations in force, to punish contempts of court in open Court by a fine not exceeding two hundred rupees.

The foregoing rule of commutation of fine to imprisonment to be also applicable to all the Civil Courts.

Second.—It is further hereby extended to the courts of the Sudder Ameens and Moonsiffs with this restriction, that all fines for contempt which may be imposed by by a Moonsiff or by a Sudder Ameen in his Civil Court, shall previous to the enforcement of them be reported, with a copy of the proceeding held in the case, for the information and orders of the local Judge or Register, in like manner as fines on witnesses refusing to give evidence, or to subscribe their depositions in the court of a Moonsiff, are required to be reported by the Rule contained in the third Clause of Section XXXI. Regulation XXIII. 1814.

And extended to the Civil Courts of the Sudder Ameens and Moonsiffs with certain restrictions.

VII. *First.*—In all cases wherein a prisioner or prisoners may be convicted before a Court of Circuit of culpable homicide, not amounting to wilful murder, as well as in all other cases of a criminal conviction before the Courts of Circuit, wherein those courts are expressly authorized by the Regulations to pass a final sentence, not exceeding imprisonment for the term of seven years, with or without stripes and hard labour, (provision being at the same time made, by the rules now in force, that if in any instance such a punishment appear to the Judge of Circuit insufficient, he is to refer the trial for the sentence of the Nizamut Adawlut,) it shall not hereafter be necessary to make such reference solely on the ground of supposed insufficiency of the stated punishment, which the Court of Circuit is empowered to adjudge. In all future cases of this nature, the Judge of Circuit concurring with his law officer in the conviction of the prisoner, shall pass the sentence authorized by the Regulations, and shall order the same to be carried into execution without reference to the Nizamut Adawlut.

The Courts of Circuit delared competent to pass final sentence and carry the same into execution, without a reference to the Nizamut Adawlut, in all cases of culpable homicide not amounting to wilful murder. And in certain other cases.

Second.—Provided that nothing in the above clause shall be understood to preclude a reference to the Nizamut Adawlut, as heretofore, in cases wherein the sentence which the Judge of Circuit is required to pass by any Regulation in force, shall appear to him too severe on due consideration of the nature and circumstances of the case.

In what cases a reference may be still made to the Nizamut Adawlut.

VIII. In trials referred to the Nizamut Adawlut, which may include one or more prisoners liable to a sentence of death, it shall not be competent to a single Judge of the Nizamut Adawlut to pass the final sentence, which in all such cases shall be passed by at least two concurring Judges of the Court.

In trials referred to the Nizamut Adawlut, the final sentence of Death to be in future passed by at least two concurring Judges of the Court, instead of a single Judge.

A. D. 1825. REGULATION XIII.

A REGULATION to maintain the settlement made for certain Lands held exempt from the payment of Revenue by Canoongoes, in the Province of Behar; and to provide for the future settlement of such Lands, as well as of the Lands composing other resumed Lakheraj tenures, with the present occupants, when so directed by Government:—Passed by the Governor General in Council on the 7th July 1825, corresponding with the 25th Assaur 1232 Bengal era; the 7th Sawun 1232 Fusly; the 26th Assaur 1232 Willaity; the 7th Sawun 1882 Sumbut; and the 19th Zekaad 1240 Higeree.

WHEREAS it was enacted by Section V. Regulation II. of 1816, that the Revenue of lands held by Canoongoes, generally in the Province of Behar, in virtue of their offices, should be liable to resumption; and accordingly under that law, various resumption of lands so held took place, and the parties to whom the Zemindaree interest in the same appeared to belong, were admitted to engage for the Government Revenue; but on the consideration of the proceedings held under the provisions of the above rule, it appeared to the Governor General in Council to be improper wholly to deprive the Canoongoes, or their representatives, of the advantages from such lands, and enjoyed by them for a long course of years; and it was accordingly resolved by Government, on the 14th February 1822, that in cases where the lands had been occupied and managed by the Canoongoes, or their representatives, and the rents received by them, they should be replaced in possession of such lands,

Preamble.

and a settlement made with them on the principle prescribed by Clause Second, Section VIII. Regulation XIX. of 1793, viz. the Revenue to be paid to Government to be equal to one-half of the annual produce (or rental) of the lands, calculated according to the rates at which other lands in the Pergunnah of a similar description may be assessed, securing to the proprietors of the soil such Malikana or other allowance as they might have received prior to the resumption of the official Minhye tenure; and Whereas the existing laws relative to the settlement of resumed Lakheraj tenures, are not properly applicable to the case; and it appears to be expedient expressly to provide for the maintenance, by the Courts of Judicature, of the arrangement above described, in order that the Canoongoe Minhyedars may be secured in the possession (subject to the quit-rent fixed by Government) of the lands, rents, and produce, heretofore possessed by them; and whereas it is desirable to provide for the settlement, on the same principle, of any lands that may be resumed under the corresponding rules relating to Canoongoes, and their official tenures, in other parts of the country; and whereas it appears to be generally expedient to make a distinct provision for securing to the holders of Lakheraj lands, resumed by the officers of Government, and assessed on the principle prescribed in Clause Second, Section VIII. Regulation XIX. 1793, the benefits which that law was designed to bestow; and to declare the competency of Government in other cases to continue the persons, who have heretofore occupied lands free of assessment, or their representatives, in the possession of the same, notwithstanding such lands being made subject to assessment; the following rules have been enacted for these purposes respectively, to be in force throughout the Territories subject to the Presidency of Fort William from the date of the promulgation of this regulation.

Under certain circumstances Minhyedars and their heirs may be continued by Government in possession of resumed Lands heretofore held as Lakheraj tenures by Canoongoes.

Subject to assessment.

Restriction on parties claiming Zemindaree interest or other proprietary right.

II. In case of Lakheraj tenures resumed under the provisions of Regulation IV. 1808, Regulations II. and V. 1816, or any other Regulation in force, relative to lands held by Canoongoes by virtue of their offices, where the Minhye or Lakheraj tenure, and the right of property in the land, are vested in distinct parties, it shall be competent to the Governor General in Council, by instruction to the Revenue Board or other authority, empowered to make the resumption, to continue the Mynhyedars and their heirs, in possession and management of such lands subject to such assessment as he shall judge it proper to direct: and the parties claiming the Zemindaree interest, or other proprietary right in such Mehals, shall not be entitled to any land-rent, produce, or profit beyond what they may have enjoyed up to the period of the resumption of the tenure, or would have been entitled to receive, in the event of Government having confirmed the same in perpetuity, free of assessment. Persons consequently claiming to be Maliks of the said lands, who, during the continuance of the Lakheraj tenure, had not possession of the same, whether they received a Malikana allowance, or otherwise, shall not disturb the possession of the Minhyedars, or their heirs and representatives, in any case wherein the Governor General in Council may have sanctioned such possession; and any suit preferred by such persons in a Court of Judicature, to recover possession, contrary to the intent and meaning of this rule, shall be dismissed with costs. Provided, however, that in all cases of the nature above mentioned, wherein the Zemindar, or other proprietor of the land, may have received Malikana, or other proprietary due, during the existence of the Lakheraj tenure, he shall continue to receive the same, notwithstanding the resumption of the Lakeraj, in like manner, as if such resumption had not taken place.

Who are prohibited from disturbing the possession of Minhyedars whose possession has been sanctioned by Government.

Proviso.

The tenures of Minhyedars so situated declared to be hereditary and transferable, but should they escheat to Government the parties possessing Zemindaree interest will be admitted to engage for the revenue, subject to a fresh assessment.

III. The tenures of the Minhyedars which have been confirmed to them, with the sanction of Government, by the arrangement referred to in the Preamble of this Regulation, or which may be so confirmed, in conformity with the preceding Section, are declared to be hereditary and transferable: but should they escheat to Government, the parties possessing a Zemindaree interest or other proprietary right in the lands, will be admitted to engage for the Revenue, subject to a fresh assessment, to be adjusted on the actual assets under the general Regulations.

The principles of the above Sections to be applicable to all cases of Lakheraj resumptions coming within certain rules.

IV. The principles of Sections II. and III. of this Regulation shall be considered applicable to all cases of Lakheraj resumption under the general Regulations in force, which may come within the favourable rule of assessment contained in the Second Clause of Section VIII. Regulation XIX. 1793, in the provinces of Bengal, Behar, and Orissa; or the Second Clause of Section VIII. Regulation XLI. 1795. in the province of Benares, it being the evident intention of the Rule in question

that it should be applied to persons who had been long in possession of the Lakheraj tenures made subject to assessment by the Regulations above cited; and whom it appeared equitable, in consideration of their long possession, to leave in occupancy of the lands composing their respective tenures, at a moderate assessment, not exceeding a moiety of the annual rent produce.

Modifications of former Regulations relative to the settlement of resumed Jageer, Altumgha, Mududmash, Ayma or other Badshahee grants and to the resumption of Lakheraj tenures.

V. In modification of the existing Rules contained in Regulations XXXVII. 1793, XLII. 1795, and XXXVI. 1803, or any other regulation in force, relative to the settlement of resumed Jageer, Altumgha, Mududmash, Ayma, and other grants of land termed Badshahee, or Royal; and generally in qualification and explanation of all the Rules in force relative to the resumption of Lakheraj tenures, and the future assessment of lands composing the same; it is hereby further declared, that whenever such tenures may be pronounced invalid, or extinct, by a Revenue Board, or other authority empowered to investigate the Lakheraj title in such tenures, under the provisions of Regulation II. 1819, or of any other Regulation in force, it shall be competent to the Governor in Council, on a special report of the circumstances of the case, when it may appear just and proper in consideration of the long possession of the actual occupant of the land or of his ancestors, to direct his continuance in possession though not the Zemindar, Talookdar, or other Malik of the land, on his engaging for the future assessment, on such terms as may be prescribed by Government, and in such cases the whole of the provisions contained in Sections II. and III. of this Regulation, shall be deemed applicable, and be maintained by the Courts of Judicature accordingly.

A. D. 1825. REGULATION XIV.

A REGULATION to declare the extent of the authority possessed by the Revenue authorities, subordinate to the Governor General in Council, in the confirmation of Lakheraj Tenures; to define the principles to be followed in determining on the force and validity of grants made by Persons, exercising authority in different quarters previously to the acquisition of the Country by the British Government; and to provide for the due application of the general Laws and Regulations respecting Lands held free of Assessment, to the Territory Ceded by Govind Rao to the British Government; and annexed to the Zillah of Bundlecund, under the Provisions of Regulation II. 1818:—Passed by the Governor General in Council on the 14th July 1825, corresponding with 32d Assar 1232 Bengal era; the 14th Sawun 1232 Fusly; the 1st Sawun 1232 Willaity; the 13th Sawun 1882 Sumbut, and the 26th Zekaad 1240 Higeree.

Preamble.

WHEREAS doubts have arisen as to the extent of the authority possessed by the Revenue authorities subordinate to the Governor General in Council, in regard to the confirmation of Lakheraj tenures, which it is expedient to remove; and it is also desirable further to define the principles to be followed in determining on the force and validity of grants made by persons, exercising authority in different quarters, previously to the acquisition of the Country by the British Government; and it is necessary to make provision for the due application of the general rules in force, relative to Lakheraj tenures, to the Territory Ceded by Govind Rao to the British Government, and annexed to the Zillah of Bundlecund under the provisions of Regulation II. 1818, and whereas it is enacted by Clause first, Section XXVI. Regulation II. 1819, that in Suits instituted in the Zillah Courts to contest the decisions passed by the Revenue Boards, under the provisions of that Regulation, a special appeal only shall lie in the Provincial Courts, and that in like manner in cases decided in the first instance by a Provincial Court, excepting cases ultimately appealable to the King in Council, an appeal shall be received by the Sudder Dewanny Adawlut on special grounds only; and it appears to be expedient that the above restriction should not apply to cases wherein the decision of the Court may be opposed to the judgment of the Board of Revenue or other Authority, exercising the powers of that Board, but that such cases should be open to a regular appeal; the following rules have been enacted, in addition to, and in modification of, the Provisions of Regulations XIX. and XXXVII. 1793, Regula-

tions XLI. and XLII. 1795, Regulations XXXI. and XXXVI. 1803, of such parts of Regulations VIII. and XII. 1805, as refer to Lakheraj lands, and of Regulation II. 1819; to be in force from the date of their promulgation, throughout the Provinces immediately subject to the Presidency of Fort William.

Lakheraj tenures declared not to be valid, except when granted or confirmed under the sanction of Government.

II. It is hereby declared and enacted that the power of granting Lakheraj tenures, viz. tenures of land exempt from the public Assessment, either for life or in perpetuity, as well as of confirming such tenures excepting by a regular judgment passed after a judicial inquiry, belongs and always has belonged exclusively to the Supreme Government; and no act, order, or decision, granting or confirming any tenure as aforesaid, within any of the Territories subordinate to this Presidency, after the annexation of such territories to the British Dominions, shall be held valid, unless the same shall have been done, issued, or passed, by or under the immediate directions of the Governor General in Council: or by some officer expressly authorized by Government to grant or confirm such tenures, or with respect to the confirmation of grants duly authorized, by some competent Court of Judicature in a suit regularly tried and decided by it; or by one of the Revenue Boards acting in a judicial capacity, under the rules of Regulation VIII. 1811, whilst that Regulation (rescinded by Section II. of Regulation II. 1819), was in force: and subsequently under the rules of Regulation II. 1819, or any other Regulation expressly empowering the Revenue Boards, after full investigation of Claims to exemption from Assessment under the general rules applicable to Lakheraj tenures, to pronounce a decision against the Assessment, to be considered final, except on proof in a Court of Judicature, of fraud or collusion in the previous inquiry. Provided also that no Resolution or Order passed by the Lieutenant Governor, and the Board of Commissioners in the Ceded and Conquered Provinces, the Board of Revenue, or other Authority exercising the powers of that Board, whereby the right of Government to Assess any Lakheraj lands may have been relinquished or postponed, save and except decisions regularly passed according to the rules above cited, shall operate to the prejudice of Government, or be held to bar the Revenue Authorities from proceeding for the recovery of public dues under the provisions of Regulation II. 1819, or any other rules in force, relative to the Resumption of Lakheraj tenures, held under invalid grants.

Or confirmed by a competent Court of Judicature, in a suit regularly tried and decided, or by a Revenue Board acting under special rules in a judicial capacity.

Right of Government to assess Lakheraj Lands not barred by resolutions or orders of certain officers and authorities, except as above excepted.

Rules for trying the validity of grants made by persons previously to the acquisition of the country by the British Government.

III. *First.*—The following principles are to be observed in determining the force and validity of grants made by Persons exercising Authority in the Provinces subordinate to this Presidency, previously to the acquisition of the Country by the British Government.

Lakheraj tenures, of which uninterrupted possession shall have been held exempt from assessment at and after certain dates, to be held valid.

Second.—Lakheraj tenures, of which uninterrupted possession shall have been held exempt from Assessment at and subsequently to the periods under mentioned, shall be and be considered to be valid, without evidence to any formal grant or confirmation of the same; and shall be continued to heirs in cases in which it may be clearly shown from the nature and denomination of the tenure, that it is hereditary according to the ancient usage of the Country: viz. The 12th August 1765, if the tenure be in Bengal Behar or Orissa, (excepting Cuttack);—the 14th October 1791, if the tenure be in Cuttack including Puttaspore or its dependencies;—the 1st July 1775, if the tenure be in the Province of Benares;—the 10th November 1789, if the tenure be in the Provinces Ceded by the Nuwaub Vizier in November 1801;—the 1st January 1792, if in any of the Provinces Ceded by Dowlat Rao Scindia and the Peshwa under the treaties of the 16th and 30th December 1800;—the 1st November 1805, if in the Pergunnah of Khandah or other territory Ceded by Nana Govind Rao on the 1st November 1817. Provided, however, that the above rule shall not apply to cases of derivative tenures, wherein it may appear that the tenure is derived from a Jageerdar or other person, who at any of the periods above specified held lands free of Assessment under a temporary or conditional tenure. In all such cases, the parcels of the land so held shall follow the condition of the pricipal tenure: and if that be resumable, will consequently be liable to resumption.

And in certain cases continued to heirs.

Proviso in cases of a derivative tenure from a Jageerdar or other person, who held rent-free Lands under a temporary or conditional tenure.

In such cases parcels of Land so held to follow the condition of the principal tenure.

The proof of the title to rest with the persons claiming to hold or recover the Lakheraj tenure.

Third.—The proof of possession in the cases provided for by the preceding Clause, and (in the case of persons not the original grantees) of the hereditary nature of the tenure, shall be on the parties claiming to hold or recover the Lakheraj tenure; the general principle being, that the ruling power is entitled to a

certain

certain proportion of the produce of every beegah of land, excepting so far as it shall have transferred, relinquished, or compounded its right thereto; and all parties claiming the benefit of such exemptions being bound to establish their respective claims and titles.

One or more successions to any tenure, previous to the periods above specified, not to establish a title of inheritance, unless it be of an hereditary nature.

Fourth.—Provided also, that although one or more successions to any tenure as aforesaid may have taken place before the periods specified in the Second Clause, the fact shall not be taken to establish a title of inheritance, unless the tenure be clearly of an hereditary nature; or unless the right of inheritance therein shall have been admitted by the Governor General in Council, on a reference made to Government according to the Rules in force applicable to such cases.

The Courts of Judicature and Revenue Authorities shall not recognise any Potentate or authorities, save the persons described in this Clause, to have been vested with supreme power.

Fifth.—The Courts of Judicature and Revenue Authorities shall not recognise any potentate, or person, as having been vested with the supreme power within any part of the provinces subordinate to this presidency, save and except the kings of Delhee, the Soobadars of Bengal, Behar and Orissa, and the several authorities specified in Regulation XLII. 1795, Regulation XXXVI. 1803, and Regulations VIII. and XII. 1805; and with respect to the territory ceded by Nana Govind Rao, save and except Rajah Chuttersaul, and his predecessors, previously to the Mahratta conquest of that territory in the year 1802 of the Sumbut era (corresponding with 1730 of the Christian era), and subsequently thereto his Highness the Peshwa, who then obtained the supreme authority in the territory referred to. If in any case grants shall be produced, purporting to have been made or confirmed by any other person than as aforesaid, alleged to have been vested with the supreme power for the time being; and it shall appear to the Court or other authority investigating the same, that the plea is well founded, the Court, or other authority before whom the case may be depending, shall, before passing any decision thereupon, refer the point to the Governor General in Council, and be guided by his determination.

Conditions requisite to establish the validity of grants made by the Kings of Delhee or other of the authorities above specified.

Sixth.—To the validity of grants made or confirmed by the kings of Delhee, or by any of the rulers aforesaid, it is and shall be held to be necessary;

1st. That they were made or confirmed within the period, during which the person granting or confirming the same possessed and exercised supreme power within the territory in which the lands specified in the grant are situate.

2d. That the grantee actually and bonâ fide obtained possession of the land granted within the said period.

3d. That the grant was not subsequently resumed by the officers or the orders of the Government for the time being, previously to the acquisition of the country by the British Government, or if so resumed, that the competence of the officer to resume shall have been expressly disallowed by the Governor General in Council.

Specification of the periods at which the several provinces subordinate to the Presidency of Fort William were acquired by the British Government.

Seventh.—The following shall be held for the purposes specified in this Regulation to be the periods at which the several provinces subordinate to this presidency were acquired by the British Government, viz. for Bengal, Behar, and Orissa (excepting Cuttack), the 12th August 1765; for Benares the 1st July 1775; for the provinces ceded by the Nuwaub Vizier the 1st January 1801; for the provinces ceded by Dowlut Rao Scindia and the Peshwa the 1st January 1803; for the province of Cuttack, Puttaspore, and its dependencies, the 14th October 1803; for the Pergunnah Khandah and the other territory ceded by Nana Govind Rao, the 1st November 1817.

Conditions necessary to the validity of grants not made or confirmed by the Supreme Power.

Eighth.—To the validity of grants not made or confirmed by the supreme power, (excepting tenures of long possession, described in the second clause of this Section,) it shall be held to be necessary;

1st. That they were made or confirmed by some authority which the Governor General in Council shall have expressly declared competent to make or confirm the same.

2d. That the grantee actually and bonâ fide obtained possession of the land granted; and that the revenue of the land was not subsequently resumed by competent authority.

Certain questions regarding Lakheraj tenures, resumed pre-

Ninth.—Provided also that in cases in which any Lakheraj tenure may have been resumed previously to the acquisition of the country by the British Government,

viously to the acquisition of the country by the British Government, to be decided by the Governor General in Council.

Further questions to be referred to the Governor General in Council.

the determination of the question, whether the officer by whom or by whose order the resumption may have been made was legally competent to do so, shall, in all cases wherein it may be necessary to determine this question, rest with the Governor General in Council. Moreover all questions touching the validity of grants made or confirmed by any officer subordinate to the Supreme power, or the legal effect of resumption by any such officer, which may not have been expressly provided for by the Regulations, and which may be material to the decision of any suit or inquiry, shall be referred by the Courts of Judicature, or other authorities making the investigation, to the Governor General in Council for determination, unless the powers and competence of the officer in question shall have been previously determined by Government.

The present Regulation not to be applicable to Lands not exceeding ten Beegahs, the produce of which is appropriated to religious or charitable uses.

IV. Nothing in this Regulation shall be construed to affect the Provisions contained in Regulation XIX. 1793, Regulation XLI. 1795, Regulation XXXI. 1803, and Regulation XII. 1805, relative to lands not exceeding ten beegahs, of which the produce is bonâ fide appropriated to religious or charitable uses.

Decisions passed before the promulgation of the present Regulations, in opposition to the principles declared, shall be open to revision in the Court wherein the case was decided, and to appeals.

V. Decisions passed by any Court of Judicature before the promulgation of this Regulation, in opposition to the principles therein declared, without due regard to the restricted powers of the revenue authorities as defined in this Regulation, shall be open to revision in the Court wherein the case may have been decided, as well as to a regular as special appeal (according as the case may have been already decided on appeal or otherwise), notwithstanding the elapse of time since the decision was passed; provided that the petition for a review or appeal be presented to the proper Court, in the manner prescribed by the Regulations, within one year after the promulgation of this Regulation; or if presented at a later period, that good and sufficient reason be assigned for the delay.

Proviso.

Provided further, that if the decision shall have been passed by a Provincial Court, or by the Court of Sudder Dewanny Adawlut, it shall be competent to a majority of the Judges of such Court to admit the petition for a review, and to try and decide the case anew under the Provisions of this Regulation, whether they may have joined in passing the former decision or not; the restriction in Section III. Regulation II. 1825, being hereby, as a special exception, declared inapplicable to such cases.

Modification of Section XXVI. Regulation II. 1819.

VI. In modification of the Rules contained in Section XXVI. Regulation II. 1819, it is hereby enacted, that in cases wherein a Zillah Court shall annul or alter a judgment passed by the Board of Revenue, or other authority exercising the powers of that Board, under the provisions of the above-mentioned Regulation, a regular appeal shall lie to the Provincial Court. In like manner, in cases tried in the first instance by a Provincial Court, if the decision of that Court shall reverse or alter the judgment of the Board of Revenue or other authority aforesaid, a regular appeal shall lie to the Court of Sudder Dewanny Adawlut, although the amount in contest shall be less than five thousand pounds sterling. The provisions of the above-mentioned Section shall however still be applicable to cases in which the Zillah or Provincial Courts may maintain the decisions of the Revenue Boards, or other authorities exercising the powers of these Boards.

A. D. 1825. REGULATION XV.

A REGULATION to make certain alterations in the Rates of Duty charged, and Drawbacks allowed on Goods imported or exported by Sea at the Port of Calcutta, or any other Place within the Territories immediately subordinate to the Presidency of Fort William; and to amend and consolidate the Rules in force relative to such Duties and Drawbacks:—Passed by the Governor General in Council on the 14th July 1825; corresponding with the 32d Assaur 1232 Bengal era; the 14th Sawun 1232 Fusly; the 1st Sawun 1232 Willaity; the 13th Sawun 1882 Sumbut; and the 26th Zekaada 1240 Higeree.

Preamble.

WHEREAS in pursuance of a Treaty recently concluded between the British Government and the Government of the Netherlands, it has become necessary to alter the Rates of duty chargeable on goods imported and exported on Foreign Bottoms: and whereas it has also appeared to be expedient to reduce, in certain cases, the duties now levied or retained on goods imported and exported on British Bottoms: and whereas it will essentially promote the public convenience, to consolidate and simplify the existing Rules (modified as aforesaid) relative to the Duties and Drawbacks to be charged or allowed, on imports and exports by sea; the following Rules have been enacted to be in force from the date of their promulgation.

Rescission of existing provisions.

II. *First.*—Such parts of the Rules contained in Regulation IX. 1810, Regulation III. 1811, Regulation XII. 1813, Regulation IV. 1815, Regulations XV. XVI. and XXI. 1817, Regulation V. 1820, and Regulation V. 1823, as have reference to the Rate of Duty to be levied, or the Drawback to be allowed, on goods imported or exported by sea at Calcutta, or any other port or place within the territories immediately subordinate to the presidency of Fort William, are hereby rescinded.

Ditto.

Second.—Regulation X. 1816, is also hereby rescinded.

Certain provisions to continue rescinded or modified.

Third.—The several provisions which were rescinded or modified by the Rules above mentioned shall continue to be respectively rescinded or modified, as before the enactment of this Regulation.

Imports by sea to be charged with duties, specified in Schedule No. 1, annexed to this Regulation.

Proviso.

III. *First.*—Goods imported by sea into Calcutta or any other port or place belonging to the presidency of Fort William, on British or on Foreign Bottoms, shall be severally subject to the duties specified in the Schedule No. I. annexed to this Regulation, with the exceptions therein stated. Provided, however, that the Rules contained in Section V. Regulation XXI. 1817, shall still be applicable to goods which may be originally imported by sea on a British Bottom, at any port in the territories subject to the British Government in India, and shall afterwards be re-exported to Calcutta, or any port immediately dependent on this presidency.

Re-exports to be allowed a drawback, as specified in Schedule No. II.

Second.—Goods imported by sea as aforesaid, and charged with an import duty under the above Rule, shall, on re-exportation, be allowed a Drawback at the several Rates, specified in the Schedule No. II. annexed to this Regulation; and no Drawback of Import Duty shall be granted, excepting as therein specifically allowed.

Duties chargeable and drawbacks allowed on articles, the produce and manufacture of the country, when exported by sea, to be regulated by Schedule No. III.

Third.—Articles, the produce or manufacture of Calcutta, or of the interior of the country, shall, on exportation by sea, be respectively passed free, or subjected to Duty, or allowed a Drawback, according to the directions contained in the Schedule No. III. annexed to this Regulation; and the said Schedule, together with those mentioned in the two preceding Clauses, shall be, and be considered, a part of this Regulation.

Schedule, N° I.

SCHEDULE, N° I.

RATES of DUTY chargeable on GOODS Imported by Sea into Calcutta, or any Port or Place belonging to the Presidency of Fort William.

ENUMERATION OF GOODS.	Imported on a British Bottom.	Imported on a Foreign Bottom.
1st.—Goods, the Produce or Manufacture of the United Kingdom.		
1. Bullion and Coin	free	free.
2. Horses	free	free.
3. Marine Stores	free	2½ per cent.
4. Metals, wrought and unwrought	free	2½ ditto.
5. Opium	24 rs. a seer of 80 sa. wt.	48 rs. a seer of 80 sa. wt.
6. Precious Stones and Pearls	free	free.
7. Salt	3 rs. a maund of 82 sa. wt. per seer	6 rs. a maund of 82 sa. wt. per seer.
8. Spirituous Liquors	10 per cent.	20 per cent.
9. Tobacco	4 annas a maund of 80 sa. wt. per seer	8 annas a maund of 80 sa. wt. per seer.
10. Wines	10 per cent.	20 per cent.
11. Woollens	free	2½ ditto.
Articles not included in the above 11 items	2½ per cent.	5 ditto.
2d.—Goods, the Produce of Foreign Europe, or of the United States of America.		
1. Arrack at a fixed valuation of 30 *l.* per cask of 126 gallons	10 per cent.	20 per cent.
2. Bullion and Coin	free	free.
3. Horses	free	free.
4. Opium	24 rs. a seer of 80 sa. wt.	48 rs. a seer of 80 sa. wt.
5. Precious Stones and Pearls	free	free.
6. Salt	3 rs. a maund of 82 sa. wt. per seer	6 Rs. a maund of 82 sa. wt. per seer.
7. Spirits	10 per cent.	20 per cent.
8. Tobacco	4 annas a maund of 80 sa. wt. a seer	8 annas a maund of 80 sa. wt. per seer.
9. Wines	10 per cent.	20 per cent.
Articles not included in the above nine items	5 per cent.	10 per cent.
3d.—Goods, the Produce or Manufacture of Places other than the United Kingdom, Foreign Europe, or the United States of America.		
1. All-Spice	10 per cent.	20 per cent.
2. Aloe Wood	7½ ditto	15 ditto.
3. Altah	7½ ditto	15 ditto.
4. Alum	10 ditto	20 ditto.
5. Ambergris	7½ ditto	15 ditto.
6. Arrack, Batavia	55 sa. rs. per leagur	110 sa. rs. per leagur.
7. Arrack, from foreign territories in Asia	30 sa. rs. per leagur	60 sa. rs. per leagur.
8. Arsenic, white, red, or yellow	10 per cent.	20 per cent.

Schedule, N° I. *continued.*

ENUMERATION OF GOODS.	Imported On a British Bottom.	Imported On a Foreign Bottom.
3d.—Goods, the Produce, &c.—*continued.*		
9. Assafœtida	10 per cent.	20 per cent.
10. Awl Root, or Morinda	7½ ditto	15 ditto.
11. Beads, Malas or Rozaries	7½ ditto	15 ditto.
12. Beetle Nut (Customs)	7½ ditto	15 ditto.
Ditto (Town Duty)	5 ditto	10 ditto.
13. Benjamin, or Loban	7½ ditto	15 ditto.
14. Brandy, from foreign territories in Asia	30 ditto	60 ditto.
15. Brass, wrought and unwrought	10 per cent.	20 per cent.
16. Brimstone	10 ditto	20 ditto.
17. Brocades and Embroidered Goods	7½ ditto	15 ditto.
18. Buhera or Myrobolan	10 ditto	20 ditto.
19. Buckum, or Sappan Wood	7½ ditto	15 ditto.
20. Bullion and Coin	free	free.
21. Calizeerah, or Nigellah	7½ per cent.	15 per cent.
22. Camphire	10 ditto	20 ditto.
23. Canvas,—excepting Canvas made of Sunn or Hemp, or other Material, the Growth or Manufacture of places subject to the Government of the East India Company, which is exempted from charge of Duty on Importation by Sea	5 ditto	10 ditto.
24. Cardamums	7½ ditto	15 ditto.
25. Carriages and Conveyances	7½ ditto	15 ditto.
26. Cassia	10 ditto	20 ditto.
27. Chanks	7½ ditto	15 ditto.
28. Cherayta	10 ditto	20 ditto.
29. China Goods, or Goods from China, not otherwise enumerated in this Table	7½ ditto	15 ditto.
30. Cloves	10 ditto	20 ditto.
31. Cochineal, or Crimdanah	7½ ditto	15 ditto.
32. Coffee	7½ ditto	15 ditto.
33. Coir, the produce of places not subject to the Government of the East India Company in India	5 ditto	10 ditto.
34. Coin and Bullion	free	free.
35. Columbo Root	10 per cent.	20 per cent.
36. Coosum Fool, or Safflower	7½ ditto	15 ditto.
37. Copal or Kahroba	10 ditto	20 ditto.
38. Copper, wrought and unwrought	10 ditto	20 ditto.
39. Coral	10 ditto	20 ditto.
40. Cordage, excepting Cordage made of Sunn, Hemp, or other Material, the produce of places subject to the Government of the East India Company which shall be exempt from the charge of Duty on Importation by Sea	5 ditto	10 ditto.
41. Crimdanah, or Cochineal	7½ ditto	15 ditto.
42. Dhye Flower	7½ ditto	15 ditto.
43. Elephant's Teeth	7½ ditto	15 ditto.
44. Embroidered Goods and Brocades	7½ ditto	15 ditto.
45. Frankincense, or Gundiberoza	7½ ditto	15 ditto.
46. Galbanum	10 ditto	20 ditto.
47. Galingall	7½ ditto	15 ditto.
48. Ghee (Customs)	5 ditto	10 ditto.
Ditto (Town Duty)	10 ditto	20 ditto.
49. Gin, from foreign territories in Asia	30 ditto	60 ditto.
50. Goopee Muttee, or Yellow Ochre	10 ditto	20 ditto.
51. Goomootoo, Sunn and Hemp	free	free.
52. Gum Arabic	10 per cent.	20 per cent.
53. Gundiberoza, or Frankincense	7½ ditto	15 ditto.
54. Hemp, Sunn or Goomootoo	free	free.
55. Hurrah, or Myrobolan	10 per cent.	20 per cent.
56. Horses	free	free.

Schedule, N° I. *continued.*

ENUMERATION OF GOODS.	Imported On a British Bottom.	Imported On a Foreign Bottom.
3d. Goods, the Produce, &c.—*continued.*		
57. Hursinghar Flower	7½ per cent.	15 per cent.
58. Hurtaul, or Orpiment, or Yellow Arsenic	10 ditto	20 ditto.
59. Iron, wrought or unwrought	10 ditto	20 ditto.
60. Ivory	7½ ditto	15 ditto.
61. Juttamunsee, or Spikenard	10 ditto	20 ditto.
62. Kullinjun	7½ ditto	15 ditto.
63. Lead, pig, sheet, milled and small shot	10 ditto	20 ditto.
64. Loadh	7½ ditto	15 ditto.
65. Loban, or Benjamin	7½ ditto	15 ditto.
66. Mace	10 per cent.	20 ditto.
67. Madder, or Munjeet	7½ ditto	15 ditto.
68. Mahogany, and all other sorts of Wood used in Cabinet-work	7½ ditto	15 ditto.
69. Mastick	10 ditto	20 ditto.
70. Minium, or Red Lead	10 ditto	20 ditto.
71. Morinda, or Awl root	7½ ditto	15 ditto.
72. Munjeet, or Madder	7½ ditto	15 ditto.
73. Musk	7½ ditto	15 ditto.
74. Myrobolans, viz. Buhera, Hurra and Ownla	10 ditto	20 ditto.
75. Myrrh	10 ditto	20 ditto.
76. Nutmegs	10 ditto	20 ditto.
77. Oils, Vegetable or Animal (Customs)	7½ ditto	15 ditto.
Ditto ditto (Town Duty)	5 ditto	10 ditto.
78. Oil Seeds (Customs)	7½ ditto	15 ditto.
Ditto (Town Duty)	5 ditto	10 ditto.
79. Oils, perfumed or essential, or Otter and Fooleyl Teyll	7½ ditto	15 ditto.
80. Opium, Foreign	24 rs. per seer of 80 ca. sa. wt.	48 rs. per seer of 80 ca. sa. wt.
81. Orpiment, or Yellow Arsenic, or Hurtaul	10 per cent.	20 per cent.
82. Otter, or Essential Oils	7½ ditto	15 ditto.
83. Ownla, or Myrobolan	10 ditto	20 ditto.
84. Pepper, black and white	10 ditto	20 ditto.
85. Piece Goods—Cotton, Silk, and partly Cotton and partly Silk, the Manufacture of the Honourable Company's Territories in India	2½ ditto	5 ditto.
86. Ditto ditto ditto, when not the Manufacture of the Honourable Company's Territories in India	7½ ditto	15 ditto.
87. Pimento, or All-spice	10 ditto	20 ditto.
88. Pipe Staves	7½ ditto	15 ditto.
89. Precious Stones and Pearls	free	free.
90. Prussian Blue	10 per cent.	20 per cent.
91. Putcha Paut	7½ ditto	15 ditto.
92. Quicksilver	10 ditto	20 ditto.
93. Rattans	7½ ditto	15 ditto.
94. Red Sandal Wood	7½ ditto	15 ditto.
95. Red Lead, or Minium	10 ditto	20 ditto.
96. Rose Water	7½ ditto	15 ditto.
97. Rum, from foreign territories in Asia	30 ditto	60 ditto.
98. Saffron	10 ditto	20 ditto.
99. Safflower, or Coossoom Fool	7½ ditto	15 ditto.
100. Sago	7½ ditto	15 ditto.
101. Salt, Foreign	3 rs. per maund of 82 sa. wt. per seer	6 rs. per maund of 82 sa. wt. per seer.
102. Sandal Wood, red, white or yellow	7½ per cent.	15 per cent.
103. Sappan, or Buckum Wood	7½ ditto	15 ditto.

Schedule, N° I. *continued.*

ENUMERATION OF GOODS.	Imported On a British Bottom.	Imported On a Foreign Bottom.
3d.—Goods, the Produce, &c.—*continued.*		
104. Senna	10 per cent.	20 per cent.
105. Soonamookey leaf	10 ditto	20 ditto.
106. Spikenard, or Juttamunsee	10 ditto	20 ditto.
107. Spirituous Liquors, not otherwise described in this Table	10 ditto	20 ditto.
108. Steel, wrought and unwrought	10 ditto	20 ditto.
109. Storax	10 ditto	20 ditto.
110. Stones (precious) and Pearls	free.	free.
111. Sugar, wet or dry, including Joggry and Molasses (Customs)	5 per cent.	10 per cent.
Ditto ditto (Town Duty)	5 ditto	10 ditto.
112. Sulphur, or Brimstone	10 ditto	20 ditto.
113. Sunn, Hemp and Goomootoo	free	free.
114. Tape	$7\frac{1}{2}$ per cent.	15 per cent.
115. Taizepaut, or Malabathrum Leaf	10 ditto	20 ditto.
116. Tea	10 ditto	20 ditto.
117. Teak Timber	free	free.
118. Thread	$7\frac{1}{2}$ per cent.	15 per cent.
119. Tin and Tin Ware	10 ditto	20 ditto.
120. Tobacco (Customs)	4 annas per maund of 80 sa. wt. per seer	8 annas per maund of 80 sa. wt. per seer.
Ditto (Town Duty)	10 per cent.	20 per cent.
121. Toond Flower	$7\frac{1}{2}$ per cent.	15 ditto.
122. Tugger Wood	$7\frac{1}{2}$ ditto	15 ditto.
123. Turmeric (Customs)	5 ditto	10 ditto.
Ditto (Town Duty)	5 ditto	10 ditto.
124. Tutenague	10 ditto	20 ditto.
125. Ugger, or Aloe Wood	$7\frac{1}{2}$ ditto	15 ditto.
126. Vermillion	10 ditto	20 ditto.
127. Verdigrease	10 ditto	20 ditto.
128. Wax and Wax Candles	10 ditto	20 ditto.
129. Wines and Spirits, not otherwise provided for	10 ditto	20 ditto.
130. Wood, of all sorts, used in Cabinet-work	$7\frac{1}{2}$ ditto	15 ditto.
131. Yellow Ochre, or Goopee Mattee	10 ditto	20 ditto.
132. Articles not enumerated above	5 ditto	10 ditto.

SCHEDULE, N° II.

DRAWBACK ALLOWED ON RE-EXPORTS.

—	IMPORTS ON A BRITISH BOTTOM.				IMPORTS ON A FOREIGN BOTTOM.			
	If re-exported to Europe, or the United States of America:		If re-exported to places other than Europe, or the United States of America:		If re-exported to Europe, or the United States of America:		If re-exported to places other than Europe, or the United States of America:	
	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.
1st. Articles, the Produce or Manufacture of the United Kingdom.								
1. Bullion and Coin	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
2. Horses	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
3. Marine Stores	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
4. Metals, wrought and unwrought	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
5. Opium	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
6. Precious Stones and Pearls	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
7. Salt	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
8. Spirituous Liquors	$\frac{5}{6}$ of import duty	$\frac{1}{2}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{1}{3}$ of import duty	$\frac{7}{8}$ of import duty	$\frac{3}{4}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{2}{3}$ of import duty
9. Tobacco	whole amount of import duty	$\frac{3}{4}$ of ditto	$\frac{2}{3}$ of ditto	$\frac{1}{3}$ ditto	whole amount of import duty	$\frac{3}{4}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto
10. Wines	$\frac{3}{4}$ of import duty	$\frac{1}{2}$ of ditto	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{7}{8}$ of import duty	$\frac{3}{4}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto
11. Woollens	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
Articles not included in the above Eleven items	$\frac{2}{3}$ of import duty	$\frac{1}{3}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{1}{3}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{2}{3}$ of import ditto	$\frac{2}{3}$ of import duty
2d. Articles the Produce or Manufacture of Foreign Europe, or the United States of America.								
1. Arrack, at a fixed valuation of 30*l.* per Cask of 126 Gallons	$\frac{3}{4}$ of import duty	$\frac{1}{2}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{1}{3}$ of import duty	$\frac{7}{8}$ of import duty	$\frac{3}{4}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{2}{3}$ of import duty
2. Bullion and Coin	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.

Schedule, N° II.

Drawback allowed on Re-exports. *continued.*

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Schedule, N° II.
Drawback allowed on Re-exports.
continued.

	IMPORTS ON A BRITISH BOTTOM.				IMPORTS ON A FOREIGN BOTTOM.			
	If re-exported to Europe, or the United States of America:		If re-exported to other places than Europe, or the United States of America:		If re-exported to Europe, or the United States of America:		If re-exported to places other than Europe, or the United States of America:	
	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.
3d. Articles, &c.—*continued.*								
23. Canvas	of import duty	of import duty	of import duty	of import duty	of import duty	of import duty	of import duty	of import duty.
24. Cardamums	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
25. Carriages and Conveyances	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
26. Cassia	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
27. Chanks	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
28. Cheraytah	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
29. China Goods, or Goods from China not otherwise enumerated in this Table	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
30. Cloves	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
31. Cochineal or Crimdanah	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
32. Coffee	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
33. Coir	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
34. Coin and Bullion	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
35. Columbo Root	of import duty	of import duty	of import duty	of import duty	of import duty	of import duty	of import duty	of import duty.
36. Coosoom Fool, or Safflower	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
37. Copal, or Kahroba	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
38. Copper and Copper-ware	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
39. Coral	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
40. Cordage	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
41. Crimdanah or Cochineal,	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
42. Dye Flower	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
43. Elephant's Teeth	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
44. Embroidered Goods and Brocades.	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
45. Frankincense or Gundeberoza	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
46. Galbanum	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
47. Gallingall	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.
48. Ghee (Customs)	ditto	ditto	ditto	ditto	ditto	ditto	ditto	ditto.

Schedule, No. II.
Drawback allowed on Re-exports.
continued.

48* Ghee Customs (Town Duty)	whole amount of duty -	whole amount of duty -	whole amount of duty -	whole amount of duty -	whole amount of duty -	whole amount of duty -	whole amount of duty -	whole amount of duty.
49. Gin, manufacture of foreign territories in Asia - -	$\frac{11}{12}$ of import duty	$\frac{5}{6}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{1}{3}$ of import duty	$\frac{23}{24}$ of import duty	$\frac{11}{12}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{2}{3}$ of import duty.
50. Goopee Mattee, or Yellow Ochre.	$\frac{3}{4}$ ditto - -	$\frac{1}{2}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{7}{8}$ ditto - -	$\frac{3}{4}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
51. Goomootoo, Sunn, and Hemp -	- nil. -	- nil. -	- nil. -	- nil. -	- nil. -	- nil. -	- nil. -	nil.
52. Gum Arabic - - - - -	$\frac{3}{4}$ of import duty	$\frac{1}{2}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{1}{3}$ of import duty	$\frac{7}{8}$ of import duty	$\frac{3}{4}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{2}{3}$ of import duty.
53. Gundeberoza or Frankincense -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{5}{6}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
54. Hemp, Sunn, and Goomootoo -	- nil. -	- nil. -	- nil. -	- nil. -	- nil. -	- nil. -	- nil. -	nil.
55. Hurrah or Myrobolan - -	$\frac{3}{4}$ of import duty	$\frac{1}{2}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{1}{3}$ of import duty	$\frac{7}{8}$ of import duty	$\frac{3}{4}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{2}{3}$ of import duty.
56. Horses - - - - - -	- nil. -	- nil. -	- nil. -	- nil. -	- nil. -	- nil. -	- nil. -	nil.
57. Hursingahr Flower - - -	$\frac{2}{3}$ of import duty	$\frac{1}{3}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{1}{3}$ of import duty	$\frac{5}{6}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{2}{3}$ of import duty.
58. Hurtaul, or Yellow Arsenic, or Orpiment - - -	$\frac{3}{4}$ ditto - -	$\frac{1}{2}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{7}{8}$ ditto - -	$\frac{3}{4}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
59. Indigo, the produce of the British territories in India on a fixed valuation of 100 Rupees per Factory Md. - -	whole amount of duty -	$\frac{1}{2}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	whole amount of duty -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto,
60. Indigo, other than the produce of the British territories in India on a fixed valuation of 100 Rupees per Factory Md.	$\frac{2}{3}$ of import duty	$\frac{1}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{3}{4}$ of import duty	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
61. Iron, wrought and unwrought -	$\frac{3}{4}$ ditto - -	$\frac{1}{2}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{7}{8}$ ditto - -	$\frac{3}{4}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
62. Ivory - - - - - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{5}{6}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
63. Jutta Munsee or Spikenard -	$\frac{3}{4}$ ditto - -	$\frac{1}{2}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{7}{8}$ dltto - -	$\frac{3}{4}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
64. Kullinjun - - - - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{5}{6}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
65. Lead, Pig, Sheet, Milled, and small Shot - -	$\frac{3}{4}$ ditto - -	$\frac{1}{2}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{7}{8}$ ditto - -	$\frac{3}{4}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
66. Loadh - - - - - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{5}{6}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
67. Loban, or Benjamin - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{5}{6}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
68. Mace - - - - - -	$\frac{3}{4}$ ditto - -	$\frac{1}{2}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{7}{8}$ ditto - -	$\frac{3}{4}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
69. Madder or Munjeet - - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{5}{6}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
70. Mahogany and Cabinet wood generally - - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{5}{6}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
71. Mastick - - - - -	$\frac{3}{4}$ ditto - -	$\frac{1}{2}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{7}{8}$ ditto - -	$\frac{3}{4}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
72. Minium or Read Lead - -	$\frac{3}{4}$ ditto - -	$\frac{1}{2}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{7}{8}$ ditto - -	$\frac{3}{4}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
73. Morinda or Awl-root - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{5}{6}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
74. Munjeet, or Madder - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{5}{6}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
75. Musk - - - - - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{5}{6}$ ditte - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.
76. Myrobolans, viz. Buhera, Hurrah and Ownlah - -	$\frac{3}{4}$ ditto - -	$\frac{1}{2}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{1}{3}$ ditto - -	$\frac{7}{8}$ ditto - -	$\frac{3}{4}$ ditto - -	$\frac{2}{3}$ ditto - -	$\frac{2}{3}$ ditto.

Schedule, N° II.
Drawback allowed on Re-exports.
continued.

	IMPORTS ON A BRITISH BOTTOM.				IMPORTS ON A FOREIGN BOTTOM.			
	If re exported to Europe, or the United States of America :		If re-exported to places other than Europe, or the United States of America :		If re-exported to Europe, or the United States of America :		If re-exported to places other than Europe, or the United States of America :	
	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.
3. Articles, &c.—(*continued.*)								
77. Myrrh	1/4 of import duty	1/2 of import duty	1/8 of import duty	1/4 of import duty	1/8 of import duty	3/4 of import duty	1/8 of import duty	1/8 of import duty
78. Nutmegs	1/4 ditto	1/2 ditto	1/8 ditto	1/4 ditto	1/8 ditto	3/4 ditto	1/8 ditto	1/8 ditto.
79. Oils, vegetable or animal (Customs)	1/8 ditto	1/3 ditto	1/8 ditto	1/4 ditto	1/8 ditto	3/8 ditto	1/8 ditto	1/8 ditto.
Ditto ditto (Town Duty)	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty.
80. Oil Seeds (Customs)	1/8 of import duty	1/3 of import duty	1/8 of import duty	1/4 of import duty	1/8 of import duty	3/8 of import duty	1/8 of import duty	1/8 of import duty.
Ditto (Town Duty)	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty.
81. Oils, perfumed and essential or Otter, and Foolel Teyll	1/8 of import duty	1/3 of import duty	1/8 of import duty	1/4 of import duty	1/8 of import duty	3/8 of import duty	1/8 of import duty	1/8 of import duty.
82. *Opium, foreign*	*nil.*	*nil.*	*nil.*	*nil.*	*nil.*	*nil.*	*nil.*	*nil.*
83. Orpiment, or Yellow Arsenic or Hurtaul	1/4 of import duty	1/2 of import duty	1/8 of import duty	1/3 of import duty	1/8 of import duty	1/4 of import duty	1/8 of import duty	1/8 of import duty.
84. Otter or Essential Oils	1/8 ditto	1/3 ditto	1/8 ditto	1/3 ditto	1/8 ditto	3/8 ditto	1/8 ditto	1/8 ditto.
85. Ownla or Myrobolan	1/4 ditto	1/2 ditto	1/8 ditto	1/3 ditto	1/8 ditto	1/4 ditto	1/8 ditto	1/8 ditto.
86. Pepper, black and white	1/4 ditto	1/2 ditto	1/8 ditto	1/3 ditto	1/8 ditto	1/4 ditto	1/8 ditto	1/8 ditto.
87. Piece Goods, Cotton, Silk, and mixed with Cotton and Silk, the manufacture of the Company's Territories	*nil.*	*nil.*	*nil.*	*nil.*	1/8 ditto	1/8 ditto	1/8 ditto	1/8 ditto.
88. Piece Goods generally the manufacture of places other than those in this Table	1/8 of import duty	1/3 of import duty	1/8 of import duty	1/3 of import duty	1/8 ditto	1/8 ditto	1/8 ditto	1/8 ditto.
89. Pimento or All-spice	1/4 ditto	1/2 ditto	1/8 ditto	1/3 ditto	1/8 ditto	1/4 ditto	1/8 ditto	1/8 ditto.
90. Pipe Staves	1/8 ditto	1/3 ditto	1/8 ditto	1/3 ditto	1/16 ditto	1/8 ditto	1/8 ditto	1/8 ditto.
91. Precious Stones and Pearls	*nil.*	*nil.*	*nil.*	*nil.*	*nil.*	*nil.*	*nil.*	*nil.*
92. Prussian Blue	1/4 of import duty	1/2 of import duty	1/8 of import duty	1/3 of import duty	1/8 of import duty	3/4 of import duty	1/8 of import duty	1/8 of import duty.

Schedule, N° II.

Drawback allowed on Re-exports. *continued.*

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Schedule, N° II. Drawback allowed on Re-exports. *continued.*

	IMPORTS ON A BRITISH BOTTOM.				IMPORTS ON A FOREIGN BOTTOM.			
	If re-exported to Europe, or the United States of America:		If re-exported to places other than Europe, or the United States of America:		If re-exported to Europe, or the United States of America:		If re-exported to places other than Europe, or the United States of America:	
	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.	On a British Bottom.	On a Foreign Bottom.
3d. Articles, &c.—*continued.*								
122. Tobacco (Town Duty)	whole amount of duty	whole amount of duty	whole amount of ditto	whole amount of ditto	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty.
123. Toond Flower	$\frac{2}{3}$ of import ditto	$\frac{1}{3}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{1}{3}$ of import duty	$\frac{5}{6}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{2}{3}$ of import duty.
124. Tugger Wood	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{5}{6}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto.
125. Turmeric (Customs)	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{3}{4}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto.
Ditto (Town Duty)	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty	whole amount of duty.
126. Tutenague	$\frac{1}{4}$ of import duty	$\frac{1}{2}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{1}{3}$ of import duty	$\frac{7}{8}$ of import duty	$\frac{3}{4}$ of import duty	$\frac{2}{3}$ of import duty	$\frac{2}{3}$ of import duty.
127. Uggur or Aloe Wood	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{5}{6}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto.
128. Vermillion	$\frac{3}{4}$ ditto	$\frac{1}{2}$ ditto	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{7}{8}$ ditto	$\frac{3}{4}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto.
129. Verdigrease	$\frac{3}{4}$ ditto	$\frac{1}{2}$ ditto	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{7}{8}$ ditto	$\frac{3}{4}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto
130. Wax and Wax Candles	$\frac{3}{4}$ ditto	$\frac{1}{2}$ ditto	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{7}{8}$ ditto	$\frac{3}{4}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto.
131. Wines and Spirits, not otherwise provided for	$\frac{3}{4}$ ditto	$\frac{1}{2}$ ditto	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{7}{8}$ ditto	$\frac{3}{4}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto.
132. Wood, Cabinet	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{5}{6}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto.
133. Yellow Ochre or Goopee Muttee	$\frac{3}{4}$ ditto	$\frac{1}{2}$ ditto	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{7}{8}$ ditto	$\frac{3}{4}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto.
134. Articles not enumerated above	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{2}{3}$ ditto	$\frac{1}{3}$ ditto	$\frac{3}{4}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto	$\frac{2}{3}$ ditto.

SCHEDULE, N° III.

Rates of Duty Chargeable, and Drawback allowed on Articles the Produce and Manufacture of the Country, exported by Sea from Calcutta or any other Port or Place belonging to the Presidency of Fort William.

Rate of Inland or Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Europe or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.
7½ per cent	Ajwain or Jowain	nil.	3/8 of transit duty	nil.	1/3 of transit duty	nil.	1/3 of transit duty	2½ per cent	nil.
2½ ditto	All-spice or Pimento	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
5 ditto	Alkali	nil.	1/2 of transit duty	nil.	nil.	nil.	nil.	5 ditto	nil.
7½ ditto	Aloe Wood or Uggur	nil.	3/8 of ditto	nil.	1/3 of transit duty	nil.	1/3 of transit duty	2½ ditto	nil.
10 ditto	Alum	nil.	3/8 of ditto	nil.	3/8 of ditto	nil.	nil.	10 ditto	nil.
7½ ditto	Ambergris	nil.	3/8 of ditto	nil.	3/8 of ditto	nil.	nil.	7½ ditto	nil.
2½ ditto	Ambergris from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
7½ ditto	Anise or Mowrie or Souf	nil.	3/8 of transit duty	nil.	1/3 of transit duty	nil.	1/3 of transit duty	2½ ditto	nil.
10 ditto	Arsenic, white, red or yel[w]	nil.	3/8 of ditto	nil.	3/8 of ditto	nil.	nil.	10 ditto	nil.
10 ditto	Assafœtida	nil.	3/8 of ditto	nil.	3/8 of ditto	nil.	nil.	10 ditto	nil.
7½ ditto	Altah	nil.	3/8 of ditto	nil.	3/8 of ditto	nil.	1/3 of transit duty	2½ ditto	nil.
7½ ditto	Awl-root or Morinda	nil.	3/8 of ditto	nil.	3/8 of ditto	nil.	1/3 of ditto	2½ ditto	nil.
7½ ditto	Beetlenut (Customs)	nil.	3/8 of ditto	nil.	3/8 of ditto	nil.	nil.	7½ ditto	nil.
5 ditto	Ditto (Town Duty)	nil.	whole amount of town duty	nil.	whole amount of town duty	nil.	whole amount of town duty	nil.	whole amount of town duty.
7½ ditto	Benjamin or Loban	nil.	3/8 of transit duty	nil.	1/3 of transit duty	nil.	nil.	7½ per cent	nil.
2½ ditto	D° - d° - from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
Nil.	Beads, Malas or Rozaries	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
5 per cent	Blankets and Looeyes	nil.	1/2 of transit duty	nil.	nil.	nil.	nil.	5 per cent	nil.
2½ ditto	D° - d° - from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent.	nil.	7½ per cent	nil.
Nil.	Bombax or produce of the Semul tree	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
5 per cent	Boots, Shoes and Slippers	nil.	1/3 of transit duty	nil.	nil.	nil.	nil.	5 per cent	nil.
5 ditto	Borax and Tincal	nil.	1/2 of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
2½ ditto	D° - d° - from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent.	nil.	7½ ditto	nil.

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Schedule, N° III. Rates of Duty chargeable, &c.

Schedule No III.
Rates of Duty chargeable, &c. *continued.*

Rate of Inland or Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Europe, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.
10 per cent	Brass, unwrought	nil.	$\frac{3}{4}$ of transit duty	nil.	$\frac{1}{2}$ of transit duty	nil.	nil.	10 per cent.	nil.
2½ ditto	Brass, wrought or unwrought from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
10 ditto	Brimstone or Sulphur	nil.	$\frac{3}{4}$ of transit duty	nil.	$\frac{1}{2}$ of transit duty	nil.	nil.	10 ditto	nil.
7½ ditto	Brocades and embroidered Goods	nil.	$\frac{2}{3}$ of ditto	nil.	$\frac{1}{3}$ of ditto	nil.	nil.	7½ ditto	nil.
2½ ditto	Ditto ditto from Nepaul or Oude	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
7½ ditto	Buhera or Myrobolan	nil.	$\frac{2}{3}$ of transit duty	nil.	$\frac{1}{3}$ of transit duty	nil.	$\frac{1}{3}$ of transit duty	2½ ditto	nil.
7½ ditto	Buckum or Sappan Wood	nil.	$\frac{2}{3}$ of ditto	nil.	$\frac{1}{3}$ of ditto	nil.	$\frac{1}{3}$ of ditto	2½ ditto	nil.
Nil.	Buggies, Carriages, and Palankeens	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
Nil.	Bullion and Coin	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
7½ per cent	Calizeerah or Nigella	nil.	$\frac{2}{3}$ of transit duty	nil.	$\frac{1}{3}$ of transit duty	nil.	$\frac{1}{3}$ of transit duty	2½ per cent.	nil.
7½ ditto	Camphire	nil.	$\frac{2}{3}$ of ditto	nil.	$\frac{1}{3}$ of ditto	nil.	$\frac{1}{3}$ of ditto	2½ ditto	nil.
Nil.	Canvas, Cordage, Coir, Hemp, Sunn, or other materials of country growth for the manufacture of Canvas or Cordage	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
7½ per cent	Cardimums	nil.	$\frac{2}{3}$ of transit duty	nil.	$\frac{1}{3}$ of transit duty	nil.	$\frac{1}{3}$ of transit duty	2½ per cent.	nil.
7½ ditto	Carpets and Setringes	nil.	$\frac{2}{3}$ of ditto	nil.	$\frac{1}{3}$ of ditto	nil.	nil.	7½ ditto	nil.
Nil.	Carriages, Buggies, and Palankeens	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
2½ per cent	Cassia from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ per cent.	nil.
7½ ditto	Chanks or Saunks	nil.	$\frac{2}{3}$ of transit duty	nil.	$\frac{1}{3}$ of transit duty	nil.	nil.	7½ ditto	nil.
7½ ditto	Cheyratah	nil.	$\frac{2}{3}$ of ditto	nil.	$\frac{1}{3}$ of ditto	nil.	$\frac{1}{3}$ of transit duty	2½ ditto	nil.
5 ditto	Chowries	nil.	$\frac{1}{2}$ of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
2½ ditto	Ditto from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
7½ ditto	Chucrassy Wood	nil.	$\frac{2}{3}$ of transit duty	nil.	$\frac{1}{3}$ of transit duty	nil.	nil.	7½ ditto	nil.

Schedule, No III. Rates of Duty chargeable, &c. *continued.*

10 per cent	Chunam	nil.	¾ of transit duty	nil.	½ of transit duty	nil.	nil.	10 per cent	nil.
5 ditto	Chuttahs and Putties	nil.	½ of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
7½ ditto	Civet	nil.	⅔ of ditto	nil.	⅓ of transit duty	nil.	nil.	7½ ditto	nil.
2½ ditto	Ditto from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
2½ ditto	Cloves from Nepaul	nil.	nil.	2½ ditto	nil.	2½ ditto	nil.	7½ ditto	nil.
7½ ditto	Cochineal or Crimdanah	nil.	⅔ of transit duty	nil.	⅓ of transit duty	nil.	⅓ of transit duty	2½ ditto	nil.
5 ditto	Cocoa-nuts with or without bark	nil.	½ of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
7½ ditto	Columbo Root	nil.	⅔ of ditto	nil.	⅓ of transit duty	nil.	⅓ of transit duty	2½ ditto	nil.
7½ ditto	Coosoom Fool or Safflower	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	⅓ of ditto	2½ ditto	nil.
7½ ditto	Copal or Kahrobah	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	⅓ of ditto	2½ ditto	nil.
10 ditto	Copper unwrought	nil.	¾ of ditto	nil.	½ of ditto	nil.	nil.	10 ditto	nil.
2½ ditto	Copper from Nepaul wrought or unwrought	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
10 ditto	Coral	nil.	¾ of transit duty	nil.	½ of transit duty	nil.	nil.	10 ditto	nil.
7½ ditto	Coriander or Dhunia	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	⅓ of transit duty	2½ ditto	nil.
12 As per Md. of 96 Calcutta Sa. Weight or 5 per cent	Cotton Wool, in it its cleaned state	nil.	whole amount of transit duty	nil.	nil.	nil.	nil.	12 As. per Md. of 96 Sa. Wt. or 5 per cent	nil.
4 As. per Md. of 96 Calcutta Sa. Weight or 5 per cent	Cotton Wool, in its uncleaned state or in the pod	nil.	whole amount of transit duty	nil.	nil.	nil.	nil.	4 As. per Md. of 96 Sa Wt. or 5 per cent	nil.
7½ ditto	Cotton Yarn	nil.	⅔ of transit duty	nil.	⅓ of transit duty	nil.	nil.	7½ per cent	nil.
5 ditto	Cow tails	nil.	½ of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
2½ ditto	Ditto from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
7½ ditto	Crimdanah or Cochineal	nli.	⅔ of transit duty	nil.	⅓ of transit duty	nil.	⅓ of transit duty	2½ ditto	nil.
7½ ditto	Cummin or Jeerah	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	⅓ of ditto	2½ ditto	nil.
5 ditto	Dammer or Rosin	nil.	½ of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
7½ ditto	Dhye Flower	nil.	⅔ of ditto	nil.	⅓ of transit duty	nil.	⅓ of transit duty	2½ ditto	nil.
7½ ditto	Dhunnia or Coriander	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	⅓ of ditto	2½ ditto	nil.
7½ ditto	Dry Ginger	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	⅓ of ditto	2½ ditto	nil.
7½ ditto	Elephant's Teeth	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	nil.	7½ ditto	nil.
7½ ditto	Embroidered Goods and Brocades	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	nil.	7½ ditto	nil.
2½ ditto	Ditto ditto from Nepaul or Oude	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.

Schedule, N° III.
Rates of Duty chargeable, &c. *continued.*

Rate of Inland or Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Europe, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.
7½ per cent.	Fooleyl Teyl or perfumed Oils	nil.	⅔ of transit duty	nil.	⅔ of transit duty	nil.	nil.	7½ per cent	nil.
2½ ditto	Ditto ditto from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
7½ ditto	Frankincense or Gundeberoza	nil.	⅔ of transit duty	nil.	⅓ of transit duty	nil.	nil.	7½ ditto	nil.
2½ ditto	Ditto ditto from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
7½ ditto	Fringes, Tape, and Thread	nil.	⅔ of transit duty	nil.	⅓ of transit duty	nil.	nil.	7½ ditto	nil.
2½ ditto	Ditto ditto from Nepaul or Oude	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
5 ditto	Furs	nil.	½ of transit duty	nil.	nil.	nil.	nil.	5 ditto	nil.
2½ ditto	Ditto from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
7½ ditto	Galbanum	nil.	⅔ of transit duty	nil.	⅓ of transit duty	nil.	⅓ of transit duty	2½ ditto	nil.
10 ditto Town duty.	Ghee	nil.	⅔ of town duty	nil.	½ of town duty	nil.	½ of town duty	nil.	nil.
5 per cent.	Gold and Silver Tissues, Lace and Thread	nil.	½ of transit duty	nil.	nil.	nil.	nil.	5 per cent	nil.
10 ditto	Goopee Muttee or Yellow Ochre	nil.	⅔ of ditto	nil.	½ of transit duty	nil.	nil.	10 ditto	nil.
nil.	Grain, of all sorts	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
7½ per cent.	Gum Arabick	nil.	⅔ of transit duty	nil.	⅓ of transit duty	nil.	⅓ of transit duty	2½ per cent	nil.
5 ditto	Gunnies and Gunny Bags	nil.	½ of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
7½ ditto	Gundeberoza or Frankincense	nil.	⅔ of ditto	nil.	⅓ of transit duty	nil.	nil.	7½ ditto	nil.
2½ ditto	Ditto ditto from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
5 ditto	Hides, raw	nil.	½ of transit duty	nil.	nil.	nil.	nil.	5 ditto	nil.
7½ ditto	Hookah and Hookah Snakes	nil.	⅔ of ditto	nil.	⅓ of transit duty	nil.	nil.	7½ ditto	nil.
7½ ditto	Hurrah or Myrobolan	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	⅓ of transit duty	2½ ditto	nil.
7½ ditto	Hursinghar Flower	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	⅓ of ditto	2½ ditto	nil.

Schedule, N° III.

Rates of Duty chargeable, &c. *continued.*

10 per cent.	Hurtaul or Yellow Arsenic or Orpiment	nil.	¾ of transit duty	nil.	½ of transit duty	nil.	nil.	nil.	10 per cent	nil.
10 ditto	Jarrool Timber, red or white	nil.	¾ of ditto	nil.	½ of ditto	nil.	nil.	nil.	10 ditto	nil.
7½ ditto	Jeerah or Cummin	nil.	⅝ of ditto	bil.	⅝ of ditto	nil.	nil.	⅓ of transit duty	2½ ditto	nil.
5 ditto	Indigo, on a fixed valuation of 100 Rs. per Factory Maund	nil.	whole amount of transit duty	nil.	nil.	nil.	nil.	nil.	5 ditto	nil.
5 ditto	Ditto from Nepaul or Oude	nil.	½ of transit duty	nil.	nil.	2½ per cent	nil.	nil.	7½ ditto	nil.
10 ditto	Indian Red, or Ranga Mattee	nil.	⅝ of ditto	nil.	½ of transit duty	nil.	nil.	nil.	10 ditto	nil.
7½ ditto	Jowain or Ajwain	nil.	⅝ of ditto	nil.	⅝ of ditto	nil.	nil.	⅓ of transit duty	2½ ditto	nil.
10 ditto	Iron and Manufactured Iron	nil.	⅝ of transit duty	nil.	⅝ of ditto	nil.	nil.	nil.	10 ditto	nil.
2½ ditto	Ditto ditto from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	nil.	7½ ditto	nil.
7½ ditto	Jatta Munsee or Spikenard	nil.	⅝ of transit duty	nil.	⅝ of transit duty	nil.	nil.	⅓ of transit duty	2½ ditto	nil.
7½ ditto	Ivory	nil.	⅝ of ditto	nil.	⅝ of ditto	nil.	nil.	⅓ of transit duty	7½ ditto	nil.
7½ ditto	Kahroba or Copaul	nil.	⅝ of ditto	nil.	⅝ of ditto	nil.	nil.	⅓ of transit duty	7½ ditto	nil.
7½ ditto	Keorah Water	nil.	⅝ of ditto	nil.	⅝ of ditto	nil.	nil.	nil.	7½ ditto	nil.
2½ ditto	Ditto from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	nil.	7½ ditto	nil.
5 ditto	Kutch	nil.	½ of transit duty	nil.	nil.	nil.	nil.	nil.	7½ ditto	nil.
5 ditto	Lack Stick, Shell, Cake and Seed, or Joory	nil.	½ of ditto	nil.	nil.	nil.	nil.	⅓ of transit duty	5 ditto	nil.
5 ditto	Lace, gold and silver	nil.	½ of ditto	nil.	nil.	nil.	nil.	nil.	5 per cent	nil.
7½ ditto	Leather	nil.	½ of ditto	nil.	nil.	nil.	nil.	nil.	5 ditto	nil.
7½ ditto	Loadh	nil.	½ of ditto	nil.	nil.	nil.	nil.	⅓ of transit duty	2½ ditto	nil.
2½ ditto	Loban or Benjamin	nil.	½ of ditto	nil.	nil.	nil.	nil.	nil.	7½ ditto	nil.
7½ ditto	Ditto ditto from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	nil.	7½ ditto	nil.
7½ ditto	Long Pepper and its Root, called Piplamoor	nil.	⅝ of transit duty	nil.	⅝ of transit duty	nil.	nil.	⅓ of transit duty	2½ ditto	nil.
5 ditto	Looeys and Blankets	nil.	½ of ditto	nil.	nil.	nil.	nil.	nil.	5 ditto	nil.
2½ ditto	Ditto ditto from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	nil.	7½ ditto	nil.
2½ ditto	Mace from Nepaul	nil.	nil.	2½ ditto	nil.	2½ ditto	nil.	nil.	7½ ditto	nil.
7½ ditto	Madder or Munjet	nil.	of transit duty	nil.	of transit duty	nil.	nil.	⅓ of transit duty	2½ ditto	nil.
7½ ditto	Mastick	nil.	of ditto	nil.	of ditto	nil.	nil.	⅓ of ditto	2½ ditto	nil.

Schedule, N° III.
Rates of Duty chargeable, &c. (*continued.*)

Rate of Inland or Transit Duty payable.	NAMES OF ARTICLES.	If Exported to the United Kingdom, Foreign Europe, or the United States of America.				If Exported to places other than those in Europe or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.
1 Rs. each	Matchlocks to be exported only in the mode directed by Section 85, Regulation IX. of 1810	nil.	nil.	nil.	nil.	nil.	nil.	2 Rs. each	nil.
2½ per cent	Malabathram Leaf, or Taizepaut, from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ per cent	nil.
10 ditto	Minium or Sindoor	nil.	⅓ of transit duty	nil.	⅓ of transit duty	nil.	⅓ of transit duty	10 ditto	nil.
7½ ditto	Morinda or Awl Root	nil.	⅓ of ditto	nil.	⅓ of ditto	nil.	⅓ of ditto	2½ ditto	nil.
7½ ditto	Mowrie, Anise or Souf	nil.	⅓ of ditto	nil.	⅓ of ditto	nil.	⅓ of ditto	2½ ditto	nil.
7½ ditto	Munjeet or Madder	nil.	⅓ of ditto	nil.	⅓ of ditto	nil.	⅓ of ditto	2½ ditto	nil.
7½ ditto	Musk	nil.	⅓ of ditto	nil.	⅓ of ditto	nil.	nil.	7½ ditto	nil.
2½ ditto	Ditto, from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
7½ per cent	Myrobolans or Buhera, Hurrah and Ownlah	nil.	⅛ of transit duty	nil.	⅛ of transit duty	nil.	⅛ of transit duty	2½ ditto	nil.
7½ ditto	Myrrh	nil.	⅓ of ditto	nil.	⅓ of ditto	nil.	⅓ of ditto	2½ ditto	nil.
5 ditto	Natron or Sujee Muttee	nil.	⅓ of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
7½ ditto	Nigellah or Calizeerah	nil.	⅓ of ditto	nil.	⅓ of transit duty	nil.	⅓ of transit duty	2½ ditto	nil.
5 ditto	Nuhs - Sudder or Sal Amoniac	nil.	½ of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
2½ ditto	Nutmegs from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
7½ ditto	Oil Seeds, Customs	nil.	⅓ of transit duty	nil.	⅓ of transit duty	nil.	nil.	7½ ditto	nil.
5 ditto	D° Town Duty	nil.	whole amount of town duty	nil.	whole amount of town duty	nil.	whole amount of town duty	nil.	whole amount of town duty.
7½ ditto	Oils, Vegetable or Animal, Customs	nil.	⅓ of transit duty	nil.	⅓ of transit duty	nil.	nil.	7½ per cent	nil.
5 ditto	D° - d° - Town Duty	nil.	whole amount of town duty	nil.	whole amount of town duty	nil.	whole amount of town duty	nil.	whole amount of town duty.
7½ ditto	Oils, Perfumed or Essential	nil.	⅓ of transit duty	nil.	⅓ of transit duty	nil.	nil.	7½ ditto	nil.
2½ ditto	D° - d° - from Nepaul	nil.	nil.	2½ ditto	nil.	2½ per cent	nil.	7½ ditto	nil.
Nil.	Opium, purchased at the Government Sales	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.

Schedule, N° III.
Rates of Duty chargeable, &c. *continued.*

10 per cent	Orpiment or Yellow Arsenic, or Hurtaul	-	nil.	-	⅔ of transit duty	-	nil.	-	nil.	-	nil.	10 per cent	nil.
7½ ditto	Otter or Essential Oils	-	nil.	-	⅔ of ditto	-	nil.	-	nil.	-	nil.	7½ ditto	nil.
2½ ditto	D° - d° - from Nepaul	-	nil.	-	2⅔ per cent	-	nil.	-	2⅔ per cent	-	nil.	7½ ditto	nil.
7½ ditto	Ownla or Myrobolans	-	nil.	-	⅔ of transit duty	-	nil.	-	nil.	-	⅓ of transit duty	2½ ditto	nil.
5 ditto	Paper, Bengal	-	nil.	-	⅔ of ditto	-	nil.	-	nil.	-	nil.	5 ditto	nil.
Nil.	Palankeens, Carriages, and Buggies	-	nil.	-	nil.	-	nil.	-	nil.	-	nil.	nil.	nil.
Nil.	Pearls and Precious Stones	-	nil.	-	nil.	-	nil.	-	nil.	-	nil.	nil.	nil.
10 per cent	Peoree	-	nil.	-	nil.	-	nil.	-	nil.	-	nil.	10 per cent	nil.
10 ditto	Pepper, Black and White	-	nil.	-	⅔ of transit duty	-	⅔ of transit duty	-	nil.	-	nil.	10 ditto	nil.
2½ ditto	Piece Goods, Cotton, the manufacture of Company's Territories	-	nil.	-	⅔ of ditto	-	ditto	-	nil.	-	nil.	nil.	nil.
2¼ ditto	Piece Goods, Cotton, from Nepaul or Oude	-	nil.	-	2⅔ per cent	-	nil.	-	2⅔ per cent	-	nil.	7½ per cent	nil.
2½ per cent	Piece Goods, Silk, or partly Silk and partly Cotton	-	nil.	-	2⅔ ditto	-	nil.	-	2½ ditto	-	nil.	7½ ditto	nil.
2½ ditto	Pimento or All-Spice, from Nepaul	-	nil.	-	2½ ditto	-	nil.	-	2⅔ ditto	-	nil.	7½ ditto	nil.
7½ ditto	Pipe Staves	-	nil.	-	⅔ of transit duty	-	nil.	-	nil.	-	nil.	7½ ditto	nil.
7½ ditto	Piplamoor or Long Pepper Root	-	nil.	-	⅔ of ditto	-	nil.	-	nil.	-	⅓ of transit duty	2½ ditto	nil.
10 ditto	Prussian Blue	-	nil.	-	⅔ of ditto	-	½ of ditto	-	nil.	-	nil.	10 ditto	nil.
Nil.	Precious Stones and Pearls	-	nil.	-	nil.	-	nil.	-	nil.	-	nil.	nil.	nil.
7½ per cent	Putcha Paut	-	nil.	-	nil.	-	⅔ of transit duty	-	nil.	-	nil.	7½ per cent	nil.
2½ ditto	D° from Nepaul	-	nil.	-	⅔ of transit duty	-	nil.	-	2½ per cent	-	nil.	7½ ditto	nil.
5 ditto	Putties and Chuttahs	-	nil.	-	⅓ of transit duty	-	nil.	-	nil.	-	nil.	5 ditto	nil.
10 ditto	Runga Muttee, or Indian Red	-	nil.	-	⅔ of ditto	-	nil.	-	nil.	-	nil.	10 ditto	nil.
7½ ditto	Raw Silk Filature, on a fixed valuation of 7 rs. per Seer of 80 Calcutta Sa. Wt.	-	nil.	-	⅔ of ditto	-	nil.	-	⅓ of ditto	-	nil.	7½ ditto	nil.
7½ ditto	Ditto, Wound d° of 6 rs. per Seer of d°	-	nil.	-	⅔ of ditto	-	nil.	-	⅓ of ditto	-	nil.	7½ ditto	nil.
7½ ditto	Raw Silk, Tushah	-	nil.	-	⅔ of transit duty	-	nil.	-	⅓ of ditto	-	nil.	7½ ditto	nil.
7½ ditto	D° Chussum	-	nil.	-	⅔ of ditto	-	nil.	-	⅓ of ditto	-	nil.	7½ ditto	nil.
5 ditto	Raw Hides	-	nil.	-	⅔ of ditto	-	nil.	-	nil.	-	nil.	5 ditto	nil.
7½ ditto	Rose Water	-	nil.	-	⅔ of ditto	-	nil.	-	⅓ of transit duty	-	nil.	7½ ditto	nil.

Schedule, N° III. Rates of Duty chargeable, &c. *continued.*

Rate of Inland or Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to places other than those in Europe, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a British Bottom.		On a Foreign Bottom.	
		Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of duty to be charged.	Drawback to be allowed.	Rate of duty to be charged.	Drawback to be allowed.
2½ ditto	D° from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
5 ditto	Rosin or Dammer	nil.	½ of transit duty	nil.	nil.	nil.	nil.	5 ditto	nil.
nil.	Rozaries, Beads or Mallahs	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
10 per cent	Saffron	nil.	⅔ of transit duty	nil.	½ of transit duty	nil.	nil.	10 per cent.	nil.
7½ ditto	Safflower or Coosoom Fool	nil.	⅔ of ditto	nil.	⅜ of ditto	nil.	⅜ of transit duty	2½ ditto	nil.
5 ditto	Sal Amoniac or Nuhs Sudder	nil.	½ of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
7½ ditto	Salt Petre	nil.	⅔ of ditto	nil.	⅓ of transit duty	nil.	nil.	7½ ditto	nil.
7½ ditto	Sandal Wood, Red, White or Yellow	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	⅓ of transit duty	2½ ditto	nil.
7½ ditto	Sappan or Buckum Wood	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	⅓ of ditto	2½ ditto	nil.
10 ditto	Saul Timber	nil.	⅔ of ditto	nil.	½ of ditto	nil.	nil.	10 ditto	nil.
7½ ditto	Saunks or Chanks	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	nil.	7½ ditto	nil.
nil.	Seemul Cotton	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
7½ per cent	Senna	nil.	⅔ of transit duty	nil.	⅓ of transit duty	nil.	⅓ of transit duty	2½ per cent	nil.
7½ ditto	Setrungees and Carpets	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	nil.	7½ per cent	nil.
10 ditto	Shawls	nil.	⅔ of duty	nil.	⅔ of ditto	nil.	nil.	10 ditto	nil.
4 As. each	Shields, to be exported only in the mode directed by Section 85, Regulation IX. 1810.	nil.	nil.	nil.	nil.	nil.	nil.	4 As. each	nil.
5 per cent	Shoes, Boots, and Slippers	nil.	⅓ of transit duty	nil.	nil.	nil.	nil.	5 per cent	nil.
10 ditto	Sissoo Timber	nil.	⅔ of ditto	nil.	½ of transit duty	nil.	nil.	10 ditto	nil.
10 ditto	Sindoor or Minium	nil.	⅔ of ditto	nil.	½ of ditto	nil.	nil.	10 ditto	nil.
7½ ditto	Sitsaul Wood	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	nil.	7½ ditto	nil.
7½ ditto	Silk Raw Filature, on a fixed valuation of 7 Rs. per Seer, of 80 Calcutta Sa. Wt.	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	nil.	7½ ditto	nil.

Schedule, N° III. Rates of Duty chargeable, &c. *continued.*

7½ ditto	Silk, Bengal, Wound, on a fixed valuation of 6 Rs. per Sr. of 80 Calcutta Sa. Wt.	nil.	⅔ of transit duty	nil.	⅓ of transit duty	nil.	nil.	7½ per cent	nil.
7½ ditto	Silk, Tushah	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	nil.	7½ ditto	nil.
7½ ditto	Silk, Chussum	nil.	⅔ of ditto	nil.	⅓ of dito	nil.	nil.	7½ ditto	nil.
5 ditto	Soap	nil.	½ of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
7½ ditto	Souf, Anise, or Mowrie	nil.	⅔ of ditto	nil.	⅓ of transit duty	nil.	⅓ of transit duty	2½ ditto	nil.
7½ ditto	Soonamookey Leaf	nil.	⅔ of ditto	nil.	⅔ of ditto	nil.	⅓ of ditto	2½ ditto	nil.
10 ditto	Soondry Timber	nil.	¾ of ditto	nil.	½ of ditto	nil.	nil.	10 ditto	nil.
7½ ditto	Spikenard, or Jutta Munsee	nil.	⅔ of ditto	nil.	⅓ of ditto	nil.	⅓ of transit duty	2½ ditto	nil.
6 Annas per Gallon police or Excise Duty.	Spirits manufactured after the European manner, at any licensed distillery in any of the provinces under the Bengal Presidency, provided the quantity be 1,000 Gallon or upwards	nil.	3 As. per gallon	nil.	1½ As. per gallon	nil.	3 As. per galllon	nil.	1½ As. per gallon
6 Annas per Gallon Police or Excise Duty.	Ditto ditto if the quantity be less than 1,000 Gallons	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
10 per cent	Steel, wrought or unwrought	nil.	¼ of transit duty	nil.	½ of transit duty	nil.	uil.	10 per cent	nil.
2½ ditto	Ditto ditto from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
5 ditto	Stone Plates	nil.	½ of transit duty	nil.	nil.	nil.	nil.	5 ditto	nil.
7½ ditto	Storax	nil.	⅔ of ditto	nil.	⅓ of transit duty	nil.	⅓ of transit duty	2½ ditto	nil.
5 ditto	Sujjee Mutte or Natron	nil.	½ of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
5 ditto	Sugar, Jagry, Goor and Syrup, Customs	nil.	½ of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
5 ditto	Ditto ditto Town Duty	nil.	whole amount of town duty	nil.	whole amount of town duty	nil.	whole amount of town duty	nil.	whole amount of town duty
10 ditto	Sulphur or Brimstone	nil.	¾ of transit duty	nil.	½ of transit duty	nil.	nil.	10 per cent.	nil.
1 Rs. each	Swords, to be exported only in the mode directed by Section 85, Regulation IX. of 1810.	nil.	nil.	nil.	nil.	nil.	nil.	1 Rs. each	nil.

Schedule, N° III.
Rates of Duty chargeable, &c. *continued.*

Rate of inland or Transit Duty payable.	NAMES OF ARTICLES.	If exported to the United Kingdom, Foreign Europe, or the United States of America.				If exported to other than those in Europe, or the United States of America.			
		On a British Bottom.		On a Foreign Bottom.		On a Foreign Bottom.		On a British Bottom.	
		Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.	Rate of Duty to be charged.	Drawback to be allowed.
7½ per cent	Tape, Thread, and Fringes	nil.	⅔ of transit duty	nil.	⅓ of transit duty	nil.	nil.	7½ per cent	nil.
2½ ditto	Ditto ditto from Nepaul or Oude	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
2½ ditto	Taizepaut, or Malabathiram Leaf from Nepaul	nil.	nil.	½ ditto	nil.	2½ ditto	nil.	7½ ditto	nil.
Nil.	Teak Timber	nil.	nil.	nil.	nil.	nil.	nil.	nil.	nil.
7½ per cent	Thread, Tape, and Fringes	nil.	⅔ of transit duty	nil.	⅓ of transit duty	nil.	nil.	7½ per cent	nil.
2½ ditto	Ditto ditto from Nepaul or Oude	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
5 ditto	Thread, Gold, and Silver	nil.	½ of transit duty	nil.	nil,	nil.	nil.	5 ditto	nil.
5 ditto	Tincal or Borax	nil.	½ of ditto	nil.	nil.	nil.	nil.	5 ditto	nil.
2½ ditto	Ditto ditto from Nepaul	nil.	nil.	2½ per cent	nil.	2½ per cent	nil.	7½ ditto	nil.
5 ditto	Tissues, Gold, and Silver	nil.	½ of transit duty	nil.	nil.	nil.	nil.	5 ditto	nil.
4 As. per Maund.	Tobacco, Customs	nil.	whole amount of transit duty	nil.	all in excess of 5 per cent. on the value	nil.	all in excess of 5 per cent. on the value	nil.	all in excess of 5 per cent. on the value.
10 per cent	Tobacco, Town Duty	nil.	whole amount of town duty	nil.	whole amount of town duty	nil.	whole amount of town duty	nil.	whole amount of town duty.
7½ ditto	Toon Wood	nil.	⅔ of transit duty	nil.	⅓ of transit duty	nil.	nil.	7½ per cent	nil.

Schedule, N° III.

Rates of Duty chargeable, &c. *continued.*

7½ per cent	Toond Flower	-	nil.	-	⅓ of transit duty	-	nil.	-	⅓ of transit duty	2½ per cent	nil.
5 ditto	Tooteeah, or Vitriol	-	nil.	-	½ of ditto	-	nil.	-	nil.	5 ditto	nil.
7½ ditto	Tuggur	-	nil.	-	⅓ of ditto	-	nil.	-	⅓ of transit duty	2½ ditto	nil.
5 ditto	Turmeric, Town Duty	-	nil.	-	½ of ditto	-	nil.	-	nil.	5 ditto	nil.
10 ditto	Vermillion	-	nil.	-	⅔ of ditto	-	nil.	-	nil.	10 ditto	nil.
10 ditto	Verdegris	-	nil.	-	⅔ of ditto	-	nil.	-	nil.	10 ditto	nil.
7½ ditto	Uggur or Aloe Wood	-	nil.	-	⅓ of ditto	-	nil.	-	⅓ of transit duty	2½ per cent	nil.
7½ ditto	Vidry Ware	-	nil.	-	⅓ of ditto	-	nil.	-	nil.	7½ ditto	nil.
5 ditto	Vitriol or Tooteah	-	nil.	-	½ of ditto	-	nil.	-	nil.	5 ditto	nil.
10 ditto	Wax and Wax Candles	-	nil.	-	⅔ of ditto	-	nil.	-	nil.	10 ditto	nil.
5 ditto	Woollens, viz. Looyes, and Blankets	-	nil.	-	½ of ditto	-	nil.	-	nil.	5 ditto	nil.
2½ ditto	Ditto ditto from Nepaul	-	nil.	-	2½ per cent	-	nil.	-	2½ per cent	7½ ditto	nil.
10 ditto	Yellow Ochre or Goopy Muttee	-	nil.	-	⅔ of transit duty	-	nil.	-	nil.	10 ditto	nil.
	Country articles not enumerated in this Table, and which have not been specifically exempted from duty by this Regulation, shall, if they are not liable to any Transit or Town Duty, pay, on exportation.	-	2½ per cent.	-	nil.	-	5 per cent	-	nil.	10 ditto	nil.

Note.—The above Duties and Drawbacks are to be charged and allowed on Goods duly covered by Rowannahs evidencing the payment of Inland or Town Duty. No Drawback shall be allowed on any of the said goods which may be brought for exportation, without a Rowannah or with a Rowannah, of which the period has expired, but on the exportation of such goods (except in cases wherein the whole amount of Inland Duty is drawn back), an Export Duty shall be levied, in addition to that specified in the Table, equivalent to the prescribed Transit Duty chargeable on the like goods, minus the Drawback receivable on the export of the same.

A. D. 1825. REGULATION XVI.

A REGULATION to make further provision for empowering the Courts of Circuit to pass sentence in certain cases of Robbery without reference to the Court of Nizamut Adawlut:—Passed by the Governor General in Council on the 21st July 1825, corresponding with the 7th Sawun 1232 Bengal era; the 21st Sawun 1232 Fusly; the 8th Sawun 1232 Willaity; the 6th Sawun 1882 Sumbut, and the 4th Zehijja 1240 Higeree.

Preamble.

WHEREAS under the Regulations in force the trials of all persons convicted before the Courts of Circuit of the crime of robbery by open violence, as defined in Section III. Regulation LIII. 1803, with an exception to the cases provided for in Regulation III. 1825, are referable to the Court of Nizamut Adawlut: and whereas the provisions contained in the latter Regulation, which were intended to relieve that Court from a part of the numerous trials referred to it, and at the same time to expedite the administration of Criminal Justice, have been found insufficient for this purpose; and it appears expedient that the Courts of Circuit should be empowered to pass sentence in certain other cases without reference; the Governor General in Council has therefore enacted the following rules, to be in force as soon as promulgated throughout the Provinces under this Presidency.

Certain Regulations relative to the punishment of the crime of robbery, rescinded or modified by the present Regulation.

II. Regulation III. 1825, is hereby rescinded; and so much of Section VIII. Regulation XVII. 1817, and of the preceding Regulations therein referred to, or of any other regulation in force, as requires that the Courts of Circuit shall in all cases of conviction of the crime of robbery by open violence, as defined in the first Clause of Section III. Regulation LIII. 1803, refer the trial of the prisoner or prisoners so convicted for the final sentence of the Court of Nizamut Adawlut, is hereby modified, as stated in the following Section.

Judges of Circuit empowered to pass sentence upon persons convicted of robbery in certain cases, without reference to the Nizamut Adawlut.

III. *First.*—In case of conviction before a Court of Circuit of the crime of robbery by open violence, as defined in Section III. Regulation LIII. 1803, or of an attempt to commit the same, if the robbery shall not have been accompanied with murder, or with an attempt to commit murder, whether by wounding, burning, strangling, poisoning, drowning, throwing into a well, or by any other means, nor have been accompanied with wounding, burning, or other corporal injury to any person or persons in such a degree as to endanger life, nor have been attended with any other aggravating act of criminality, such as may appear to the Judge of Circuit, before whom the trial is held, to merit and call for a more severe punishment than thirty-nine strokes with a ratan, and imprisonment with hard labour for fourteen years in banishment from the district where the prisoner may have resided, the Judge of Circuit concurring with his law officer in the conviction of the prisoner or prisoners is authorized and directed without reference to the Nizamut Adawlut, (as required by the sixth Clause of Section VIII. Regulation XVII. 1817,) to pass such sentence as he may deem adequate to the offence on due consideration of all the circumstances of the case, not exceeding the number of strokes and term of imprisonment with hard labour in banishment above specified.

The Judges of Circuit shall not be competent in certain cases to pass sentence for a less punishment than fourteen years imprisonment in banishment.

Second.—Provided in all cases, that if the robbery shall have been committed by a gang of three or more armed robbers, whether armed with any species of fire-arms, or with spears, swords, clubs or other weapons, the Court of Circuit shall not be competent to pass sentence on conviction for a less punishment than fourteen years imprisonment in banishment. If such punishment should appear in any such case to be too severe, the trial shall be referred to the Court of Nizamut Adawlut, with a letter from the Judge of Circuit, stating the circumstances which may induce him to propose a mitigated sentence.

The Judge of Circuit may refer the trial to the Court of Nizamut Adawlut for a mitigation of the sentence.

A. D. 1825. REGULATION XVII.

A REGULATION for transferring the Zillah of Goruckhpore from the Jurisdiction of the Provincial Court of Appeal and Circuit of Benares and annexing it to that of the Court of Appeal and Circuit of Patna; for changing the order of holding the half-yearly Jail Deliveries at the Stations comprised within the several circuits; for providing that the Sessions shall be held in future at the Stations of certain Joint Magistrates; for authorizing Special arrangements with respect to others, and for altering the periods fixed for the commencement of the 1st and 2nd Circuits of the Calcutta Division:—Passed by the Governor General in Council on the 4th August 1825, corresponding with the 21st Sawun 1232, Bengal era; the 6th Sawun 1232 Fusly; the 22d Sawun 1232 Willaity; the 5th Sawun 1882 Sumbut, and the 18th Zehijja 1240 Higeree.

Preamble.

WHEREAS it has been judged expedient to separate the Zillah of Goruckhpore from the Jurisdiction of the Court of Circuit and Provincial Court of Appeal for the Division of Benares, and to annex that Zillah to the Jurisdiction of the Court of Circuit and Provincial Court of Appeal for the Division of Patna: and whereas it has been deemed expedient to provide that the stations of certain Joint Magistrates should be visited (some annually and others in the regular Course of Circuit) and the Sessions held there in cases where the adoption of the arrangement has been found to be consistent with public convenience: and whereas it has consequently become necessary to alter the order of succession prescribed in the existing Regulations for holding the Jail Deliveries at the several stations comprised within the circuits generally; and it appearing proper to alter the dates prescribed by Section III. Regulation II. 1804, for the commencement of the first and second Circuits for the Division of Calcutta; the following rules have been enacted to take effect from the promulgation of this Regulation; or with respect to the transfer of Zillah Goruckhpore from the 28th day of September 1825, corresponding with the 14th Assin 1232 Bengal era; the 1st Assin 1233 Fusly; the 15 Assin 1233 Willaity; the 1st Assin 1882 Sumbut, and the 14th Suffer 1240 Higeree.

The Zillah of Goruckhpore transferred from the Jurisdiction of the Provincial Court of Appeal and Circuit for the division of Benares and annexed to that of Patna.

II. Such parts of Regulation VIII. 1804, and of any other regulation now in force as declare the Zillah of Goruckhpore subject to the Jurisdiction of the Court of Circuit and Provincial Court of Appeal for the Division of Benares are hereby rescinded. The said Zillah shall hereafter be subject to the Jurisdiction of the Court of Circuit and Provincial Court of Appeal for the Division of Patna.

Modification of the existing order of succession for holding the Jail Deliveries at the stations of the several Magistrates and Joint Magistrates.

III. Such part of Section VI. Regulation III. 1798, as prescribes the order of succession for holding the Jail Deliveries of the Dacca Division; such part of Section VII. Regulation II. 1804, as fixes the order of succession for holding the Jail Deliveries of the Patna Division, Clause First, Section VII. Regulation II. 1804, and Sections IV. and V. Regulation I. 1806, are hereby rescinded, and the following order of succession for holding the Jail Deliveries at the Stations of the several Magistrates and Joint Magistrates of the Divisions of Bareilly, Benares, Calcutta, Dacca, Moorshedabad and Patna will hereafter be observed, instead of that prescribed in the several rescinded rules above quoted.

Bareilly Court of Circuit.

1. Furruckabad.
2. Cawnpore.
3. Etawa.
4. Mynporee.
5. Agra.
6. Alligurh.
7. Boolund Shuhur.
8. Meeruth.
9. Moozuffer Nuggur.
10. Seharunpore.
11. Nugeena.
12. Moradabad.

Benares Court of Circuit.

1. Mirzapore.
2. Banda.
3. Hameerpore.
4. Bhitoora (Futtehpore).
5. Allahabad.
6. Jounpore.
7. Azimburgh.
8. Ghazeepore.

Calcutta Court of Circuit.

1. Jessore.
2. Nuddeah.
3. Hooghly.
4. Burdwan.
5. Jungle Mahals.
6. Midnapore.

Dacca Court of Circuit.

1. Mymensingh.
2. Sylhet.
3. Tipperah.
4. Chittagong.
5. Noacally.
6. Backergunge.
7. Dacca Jelalpore.

Moorshedabad Court of Circuit.

1. Bhaugulpore.
2. Purneah.
3. Dinagepore.
4. Rungpore.
5. Rajeshahye.
6. Bagoorah.
7. Beerbhoom.

Patna Court of Circuit.

1. Ramgurh.
2. Behar.
3. Shahabad.
4. Goruckhpore.
5. Sarun.
6. Tirhoot.

Rules to be observed for holding the Sessions at certain stations.

IV. Circumstances connected with the public convenience having suggested the necessity of prescribing special rules for holding the Sessions at the stations of the Joint Magistrates of Barasut, Balasore, Maldah, Monghyr and Shahjehanpore, the following rules are hereby enacted:

Viz. Barasut.

First.—The Judge who may proceed on the first Circuit for the Calcutta Division, shall, in the first instance, visit the station of the Joint Magistrate of Barasut, and there hold the trial of any prisoners who may have been committed during the month immediately preceding the commencement of the Circuit, but all prisoners committed in the former months shall be sent for trial at the monthly sessions of the twenty-four Pergunnahs as heretofore. It shall not be necessary for the Judge of Circuit to visit the station of the Joint Magistrate of Nugwan, whose commitments will be tried at the Sudder Station of Midnapore.

Viz. Balasore and Khoordah.

Second.—The Commissioner of Cuttack will hold the half-yearly Jail Delivery of Prisoners committed by the Joint Magistrate of Balasore, at the Station of that officer, provided that, when the other public avocations of the Commissioner may not admit of this arrangement, the prisoners committed by the Joint Magistrate shall be sent as heretofore to take their trial at the Sudder Station of Cuttack. It shall not be necessary for the Commissioner to visit the station of the Joint Magistrate of Khoordah, whose commitments will continue to be tried at the Sudder Station of Cuttack as heretofore.

Ditto Malda.

Third.—The Judge who may proceed on the Second Circuit for the Moorshedabad Division, shall, on concluding the Sessions at Bhaugulpore, proceed to Maldah, and there hold the trial of any persons who may have been committed since the last Jail Delivery. Any prisoners who may be committed for trial between the second and first Sessions shall be sent as heretofore to the Sudder Station of the Districts in which the Thannahs under the control of the Joint Magistrate may be situated.

Ditto Monghyr.

Fourth.—The Judge who may proceed on the first Circuit for the Moorshedabad Division shall, on concluding the Sessions at Bhaugulpore, proceed to Monghyr, and there hold the trial of any prisoners who may have been committed since the last Jail Delivery. Any prisoners who may be committed for trial between the first and second Sessions shall be sent for trial as heretofore to the Sudder Stations of the District in which the Thannahs under the control of the Joint Magistrate may be situated; but as this Joint Magistracy comprises also portions of the Behar and Tirhoot Zillahs, all committments, at whatever time made, for offences occurring in those Thannahs subject to the Joint Magistrate's jurisdiction which are situated in the districts above mentioned, shall be sent to the Sudder Stations of those districts as heretofore for trial by the Patna Court of Circuit.

Fifth.—

Fifth.—The Judge who may proceed on the first Circuit for the Division of Bareilly shall visit the station of the Joint Magistrate of Shahjehanpore, in the first instance; and there hold the trial of any prisoners who may have been committed during the month immediately preceding the commencement of the Circuit, but all prisoners committed in the former month shall be sent for trial at the monthly Sessions of Bareilly as heretofore. It shall not be necessary for the Judge of Circuit to visit the stations of the Joint Magistrates of Deyradoon or Sirpoorah, and the prisoners committed to take their trial by those Officers shall be sent as heretofore to the Sudder Stations of Seharunpore and Furrukhabad respectively.

Viz. Shahjehanpore.

V. Such part of Section III. Regulation II. 1804, as declares that the first Circuit for the Calcutta Division shall commence on the 1st of April and the Second on the 1st of October, is hereby rescinded, and the first Circuit for that Division shall in future commence on the 1st of May and the Second on the first of November.

Rule for the commencement of the Circuits for the Division of Calcutta.

VI. In the event of any future alterations becoming necessary in the order of holding the Jail Deliveries at the Station of Magistrate or Joint Magistrate, it shall be competent to the Governor General in Council to direct the same without the necessity of a new Regulation for that purpose.

The order of holding the Jail Deliveries at the station of a Magistrate or Joint Magistrates may be altered in future without the enactment of a Regulation.

A. D. 1825. REGULATION XVIII.

A REGULATION for annexing the Settlement of Chinsurah, and other Territories, ceded to the British Government by the Government of the Netherlands, to the Zillah and City Jurisdictions, most contiguous thereto; and to provide for the future administration of the said Territories:—Passed by the Governor General in Council, on the 25th August 1825, corresponding with the 11th Bhadoon 1232 Bengal era; the 27th Sawun 1232 Fusly; the 12th Bhadoon 1232 Willaity; the 12th Sawun 1882 Sumbut, and the 10th Mohurrem 1241 Higeree.

WHEREAS in pursuance of a Treaty concluded between the British and Netherlands Governments, on the 17th day of March 1824, the Settlement of Chinsurah and Territory appertaining thereto, as well as the Factories and Lands held by the Netherland Authorities at Calcapore, Dacca, Fulta, Patna and Balasore, in the Provinces of Bengal, Behar, and Orissa, have been ceded in perpetuity to the British Government: and whereas it is necessary, in consequence, to make provision for the future administration of the said Settlement and Territories, and for annexing the same to the most contiguous Zillah and City Jurisdictions; the Governor General in Council has accordingly enacted the following Rules to be in force from the time of their promulgation.

Preamble.

II. *First.*—The Town and Settlement of Chinsurah shall be annexed to and included in the Zillah of Hooghly.

Settlement of Chinsurah annexed to Zillah Houghly.

Second.—The late Dutch Factories at Calcapore and Dacca, and the Lands appertaining to them, shall be annexed to the City Jurisdictions of Moorshedabad and Dacca respectively; those at Fulta and Balasore, shall be annexed to the Zillah Jurisdictions of the twenty-four Pergunnahs and Cuttack respectively; and the late Dutch Factory at Patna, and the lands appertaining to it, shall be annexed to the Jurisdiction of the City of Patna.

The Dutch Factories at Calcapore and at other places annexed to the Zillah and City Jurisdictions within which they are situated.

III. Subject to the provisons contained in this Regulation, the Rules for the admininstration of Civil and Criminal Justice, and the Police in the Provinces of Bengal, Behar and Orissa, as well as those for the Collection of the Land Revenue, Customs, Abkaree, and Stamp Revenues, and generally the whole of the Regulations in force for the internal administration of the Provinces above mentioned, (the special Rules for Cuttack only excepted,) are hereby declared to be in full force and effect in the Settlement and Territories specified in the preceding Section, from the date of the promulgation of this Regulation.

The administration of Civil and Criminal Justice and the Collection of Revenue in the above Settlement and Territories to be conducted under the Regulations in force.

IV. *First.*—It shall be competent to the Governor General in Council to refer to the Court of Sudder Dewanny Adawlut, and that Court is hereby authorized to hear and determine any appeals from decisions already passed by the European Court of Civil

Appeals from decisions already passed at Chinsurah, and which have been referred to the Court

nt Batavia but not decided there, how to be tried.

Civil Justice at Chinsurah, which have been referred for final decision to the Dutch Superior Court at Batavia, but have not been decided by that Court.

Appeals to be received in certain other cases by the Court of Sudder Dewanny Adawlut from decisions passed before the Cession.

Second.—It shall further be competent to the Court of Sudder Dewanny Adawlut, to receive and determine any appeals from decisions in Civil Suits, which may have been decided by the European Court at Chinsurah, before the cession of that settlement to the British Government, and which were appealable to the Superior Court at Batavia; but the appeals in which had not been preferred, or, if preferred, the proceedings in which had not been referred to the Batavia Court. Provided with respect to all appeals not actually preferred and admitted before the Cession, that they shall not be admitted by the Court of Sudder Dewanny Adawlut, without good and sufficient cause being shown for the delay.

The decisions of the Court in such cases to be regulated by the laws and usages which governed the decisions of the European Court of Justice at Chinsurah.

Third.—Provided also that the laws and usages which governed the decisions of the European Court of Justice at Chinsurah, shall govern the decisions of the Court of Sudder Dewanny Adawlut in all appeals which may be tried and decided by that Court under the provisions of this Section.

Appeals referable by the Court of Sudder Dewanny Adawlut to the Provincial Court of Calcutta for decision.

Fourth.—If the amount or value in any of the appealed cases referred to in the Second Clause of this Section shall not exceed the amount which, under Regulation XVI. 1797, renders a cause appealable to the King in Council; viz. 43,103 Rs. the Court of Sudder Dewanny Adawlut is authorized in such cases to direct the Calcutta Provincial Court of Appeal to try and decide the same, subject to the provisions contained in the Third Clause of this Section; and the decision of the Provincial Court shall be final, unless a special appeal be admissible to the Sudder Dewanny Adawlut, under the rules in force for second, or special appeals.

Rules for preferring appeals in Civil Suits, determined after the promulgation of the present Regulation.

Fifth.—In all Civil Suits determined after the promulgation of this Regulation the general rules in force for appeals to the Provincial Courts and Court of Sudder Dewanny Adawlut will, of course, be applicable, as well as those which authorize an appeal to the Zillah or City Court, if the original decision have been passed by a Register, Sudder Ameen, or Moonsiff.

The Civil Courts prohibited from entertaining any claims or suits which may have been formerly decided by competent authority.

V. The Civil Courts of Judicature are prohibited from entertaining any claim or suit which from the production of a former decree, or from the Records of Court, shall appear to have been finally heard and determined by any former Judge, or superintendent of any court of competent jurisdiction. If any doubt should arise respecting the competency of the former jurisdiction, the case shall be reported for the instructions of the Governor General in Council, whose determination upon this point shall be conclusive.

Deeds regularly executed to be received in evidence by the Civil Courts.

VI. All deeds of whatever denomination whether written on Stamp Paper, or otherwise, that may have been regularly and legally executed, according to the Dutch Law or established local usage previously to the promulgation of this Regulation, are hereby declared to be valid, and the several Courts of Civil Judicature are empowered and directed to admit such deeds in evidence; and in any judicial proceedings that may be held on such documents, the Courts are to be governed by the law and usage under which the same were prepared and executed.

The decision of Civil Suits regarding Succession, Inheritance, Marriage, and special Contract, to be governed by the laws and usages of the parties.

VII. In the decision of all Civil Suits regarding Succession, Inheritance, Marriage and special Contract, in which the parties may be Europeans, heretofore subject to the Netherland Authorities, or their descendants, and as well as generally in all cases where the parties may be Europeans, or Foreigners of any description, or their descendants, the Courts shall be guided, as far as practicable, by the spirit of the Rule prescribed in Section XV. Regulation IV. 1793; which directs, that "in "Suits regarding Succession, Inheritance, Marriage, and Cast, and all Religious "usages and institutions, the Mahomedan Laws with respect to Mahomedans, and "the Hindoo Laws with regard to Hindoos, are to be considered the general rules "by which the Judges are to form their decisions."

Offences committed before the promulgation of the present Regulation how to be punished.

VIII. In all Criminal trials for offences committed before the promulgation of this Regulation, whenever it may appear that the punishment of the offence under the provisions of this Regulation would be more severe than the punishment prescribed for the same offence under the Laws in force, when the Settlement and Territories referred to in this Regulation came into the possession of the British Government, the punishment to be adjudged against the prisoner shall be regulated

gulated by the Law which was in use when the said territories came into the possession of the British Government.

IX. *First.*—An officer to be denominated "the Dutch Law Officer or Fiscal," shall be appointed by the Governor General in Council on the establishment of the Judge of Zillah Hooghly; and it shall be his duty to expound the Laws and usages of the Settlement of Chinsurah, and its late dependencies, in all cases that may be submitted to him, either by the Civil or Criminal Courts. Appointment of a Dutch Law Officer or Fiscal, and his duties.

Second.—It shall be the further duty of the "Fiscal" to furnish translations of all papers filed in the Dutch language, and to interpret them truly to the respective Courts, as well as generally to perform such other duties as may be especially assigned to him by the local Judge or Magistrate. The Fiscal to furnish Translations of all Dutch Papers.

Third.—Provided always that the particular law, custom or usage which may have influenced the final Judgment of the Court, shall be specifically stated or referred to in the decree, sentence, or order affected thereby, and the Fiscal's written opinion shall remain attached to and be constantly kept with the record of the case. Written opinion of the Fiscal to be put upon record.

Fourth.—The Fiscal, or Dutch Law Officer. shall moreover, by virtue of his office, be deemed a Sudder Ameen, with the full powers invested in judicial officers of that description by Regulations II. and III. 1821, within the town and settlement of Chinsurah; in this capacity he shall be employed in the trial and decision of any suits, or cases, Civil or Criminal, that may, under the general Regulations, be referred to him, as Sudder Ameen, by the Zillah Judge, or Magistrate respectively; and shall be governed in the trial and decision of such cases by the Rules and Regulations which are or may be in force for the guidance of Sudder Ameens. The Fiscal to be also a Sudder Ameen, with Civil and Criminal powers.

X. The provisions of Regulation II. 1820, as far as they relate to the Settlement of Chinsurah, are hereby rescinded. Parts of Regulation II. 1820, relative to Chinsurah rescinded.

A. D. 1825. REGULATION XIX.

A REGULATION to prescribe the manner in which His Highness the Nazim of Bengal shall sue, or be sued in the Courts of Civil Judicature:—Passed by the Governor General in Council on the 29th September 1825, corresponding with the 15th Assin 1232 Bengal era; the 2d Assin 1233 Fusly; the 16th Assin 1233 Willaity; the 2d Assin 1882 Sumbut; and the 15th Suffer 1240 Higeree.

WHEREAS the existing Regulations do not sufficiently provide for the manner in which His Highness the Nazim of Bengal shall claim or defend his rights in the Courts of Civil Judicature, the following Rules have been enacted, to be in force from the period of their promulgation. Preamble.

II. It shall be competent to the Agent to the Governor General at Moorshedabad, or other officer, however denominated, exercising for the time being the control and superintendence of the affairs of the Nizamut on the part of the Governor General in Council, to institute suits in the Courts of Civil Judicature on the part of His Highness the Nazim of Bengal, and to conduct them, as Plaintiff or Appellant, in such manner as may appear proper. The Agent to the Governor General at Moorshedabad may institute Suits in the Civil Courts, on the part of the Nazim of Bengal.

III. In like manner, should any suit be instituted in any Court of Civil Judicature against His Highness the Nazim of Bengal, the ordinary notice shall be issued upon the Agent to the Governor General, or other officer aforesaid, who shall conduct the defence on the part of His Highness. When Suits may be instituted against the Nazim, the notice is to be served on the Agent, who will defend them.

IV. Provided always, that security shall not be required from, nor shall attachment in any case issue against His Highness, or against the Agent to the Governor General, or other officer aforesaid; but should the Court require the payment of any costs, damages, or other sums of money, or the delivery of any lands, and after order duly made and served on the Agent any unreasonable delay should arise, it shall be competent to the Court to transmit a Copy and Translation of the decree or order to the Secretary to Government in the Persian Department, when the Governor General in Council will issue such orders as may be necessary for the discharge of the amount due. The Nazim and the Agent to the Government exempted from furnishing security and from process of attachment. Order and Decrees of the Civil Courts in such Suits how to be executed.

A. D. 1825. REGULATION XX.

A REGULATION for declaring the Jurisdiction of the Military Courts Martial and Courts of Requests, constituted by a recent Act of Parliament, and for modifying some parts of the existing Regulations in conformity thereto:—Passed by the Governor General in Council on the 3d November 1825, corresponding with the 19th Cautick 1232 Bengal era; 8th Cautick 1232 Fussily; the 20th Cautick 1233 Willaity; the 7th Cautick 1882 Sumbut; and the 21st Rubee-ul-uwal 1241 Higeree.

Preamble.

BY an Act of Parliament passed in the fourth year of the reign of His present Majesty King George the Fourth, entitled "An Act to consolidate and amend the Laws "for punishing Mutiny and Desertion of Officers and Soldiers in the service of the "East India Company," provision is made for the trial by Courts Martial of European British Subjects, either actually serving as officers or soldiers or otherwise attached to the Army, when accused of Murder, Rape, Robbery, Theft, and other offences committed in a foreign territory, or at any place within the territories subject to the Presidency of Fort William, situate at a greater distance from that Presidency than one hundred and twenty miles, as well as for investing Military Courts of Requests, constituted according to the provisions of the aforesaid Act, with the cognizance of actions of debt, and all personal actions, to an amount not exceeding 400 Rs. against any British Commissioned or Non-Commissioned Officer or Soldier, or other persons amenable to the provisions of the Act, at places situated beyond the Jurisdiction of the Court of Requests in Calcutta; it has, in consequence, become necessary to rescind or modify certain parts of the regulations in force which relate to the apprehension or trial of British subjects accused of criminal offences, and to the cognizance of petty offences, and actions of debt by a military tribunal; the following Rules have been accordingly enacted, to be in force from the date of their promulgation throughout the territories subject to the Presidency of Fort William.

European British Subjects, being persons attached to the Army serving within certain limits, when apprehended by Magistrates on charges of a criminal nature, to be delivered over to the Commanding Officer of the corps to which they may belong.

II. *First.*—In modification of the Rules contained in Regulation II. 1796. Section XIX., Regulation VI. 1803, and Regulation XV. 1806; it is hereby provided, that if any European British Subject who shall be apprehended by or brought before a magistrate on a charge of Murder, Rape, Robbery, Theft, or other criminal offence, shall be found, on his apprehension, to have been, at the time when the offence laid to his charge may have been committed, a Commissioned or Non-Commissioned Officer, or Soldier, serving with any body of troops in the service of his Majesty, or of the honourable East India Company, at any place not within the territories subject to the Presidency of Fort William, or at any place within such territories which may be situated above one hundred and twenty miles from the aforesaid Presidency, or to have been, when the offence was committed, a person attached to such body of troops in any of the capacities specified in Sections XLV. and LX. of Statute IVth. Geo. IV. Cap. LXXXI. it shall be the duty of the Magistrate by whom such person so accused may be apprehended, instead of proceeding to hear evidence to the charge as directed in such cases in the Regulations above mentioned, to deliver over such person so charged, together with a statement of the charge brought against him, to the Commanding Officer of the regiment, corps, or detachment to which such accused person shall belong, or to the Commanding Officer of the nearest military station, for the purpose of his being brought to trial before a Court Martial under the Provisions of the said Act of Parliament.

Magistrates, on application made to them by a Commanding Officer, to assist in the apprehension of all persons amenable to trial by Court Martial, when accused of Criminal Offences.

Second.—It shall further be the duty of every Magistrate, on a written application being made to him for that purpose by the Commanding Officer of any regiment, corps, or detachment stationed or employed as specified in the preceding Clause, to use his utmost endeavour for the apprehension of any British Officer, Non-Commissioned Officer, Soldier or other person of the description therein alluded to, who may have been charged with the crime of Murder, Rape, Robbery, Theft, or other criminal offence, and also to give his assistance, and that of the officers under his control, in securing the person so accused.

Magistrates required to enforce Processes for attendance of Witnesses, &c. before Courts Martial, on application made to them.

Third.—It is hereby declared that it shall be competent to the Judge Advocate General or Deputy Judge Advocate, or other person appointed to conduct the proceedings of any Court Martial assembled for the trial of offences under the provisions of the said Act of Parliament, to transmit to the Magistrate of the zillah

or

or city, within whose jurisdiction persons whose attendance before such Court Martial is required may reside, any warrant, summons, or other process, for the attendance of such person; and it shall be the duty of such Magistrate, who may be so applied to, to give his assistance and that of the officers under him in the due execution of such process, and generally to aid and assist in the execution of all processes issued by such Courts Martial.

Magistrates prohibited from inquiring into charges of a Criminal nature preferred against British subjects when attached to the Army within certain limits and who may have been already tried by a Court Martial for the same.

Fourth.—The several Zillah and City Magistrates are hereby prohibited from receiving and inquiring into any criminal charge of the nature described in Section II. of Statute IVth. Geo. IV. Cap. LXXXI. which may be preferred to them against any British Commissioned or Non-Commissioned Officer, Soldier, or other person attached to the Army who may have been regularly brought to trial under the provisions of the said Act, and acquitted or convicted by the sentence of a Court Martial of such offence; provided, however, that in any case wherein it may be ascertained by the Magistrate, on due inquiry, that any person accused of such criminal offence, who may be subject to trial by Court Martial, has not been brought to trial for such offence before a Court Martial, and that no effectual proceedings have been taken, or have been ordered to be taken, against him, then and in that case it shall be the duty of the Magistrate to report the circumstance for the information and orders of the Governor General in Council; who, if it appear to him proper so to do, will direct the case to be proceeded upon in the ordinary course of law; and the Magistrate, if so authorized, shall be competent to proceed against the offender under the provisions of the Regulations hitherto in force.

Proviso for cases in which the Magistrate shall have duly ascertained that the accused neither has been nor will be tried by a Court Martial.

Magistrates will proceed as heretofore against British Subjects accused of Criminal Offences when such persons are not attached to the Army or amenable to trial by Court Martial.

Fifth.—Provided always, and it is hereby declared, that nothing contained in the foregoing Clauses shall be held to restrict the Magistrates of districts, either in their ordinary capacity of magistrates, or as His Majesty's Justices of the Peace duly qualified, from proceeding under the rules heretofore in force against all British subjects charged with criminal offences, who may not be attached to the Army, or subject to be tried for such offences by a Court Martial.

These Provisions not to apply to Troops in Fort William or stationed at any other place which is not situated above 120 miles from the Presidency.

Sixth.—It is hereby further declared, that the provisions of this Regulation, as far as the same relate to criminal offences committed by any Commissioned or Non-Commissioned Officer, Soldier, or other person attached to the Army, being British subjects, shall not be held to apply, or be in force when such offences shall be committed by persons of the above description, attached to any body of troops which may be stationed in the garrison of Fort William, or at Barrackpore, Midnapore, Dum-Dum or at any other place within the territories under the Presidency of Fort William, which may not be situated at a greater distance than one hundred and twenty miles from the said Presidency; and in all such places, the powers and authorities vested by Law in the Magistrates and Justices of the Peace shall continue to be and remain in full force and effect.

Provisions of Regulation XX. 1810, or other Regulations in force, declared not applicable to debts due from British Subjects attached to the Army.

III. *First.*—Such parts of Regulation XX. 1810, or of any other regulation in force, as provide for the cognizance by a military tribunal of actions of debt, and all personal actions not exceeding in value or amount the sum of 200 Rupees, are hereby declared not to be applicable to cases of debt, or other personal actions in which the party sued may be a British subject attached to the Army, within the descriptions of persons specified in Section LVII. of Statute IVth. Geo. IVth. Cap. LXXXI. by which amongst other things it is enacted, that in all places where the said Company's forces now are or may be employed, or where any body of His Majesty's forces may be serving with the forces of the said Company, situate beyond the jurisdiction of the Court of Requests at the City of Calcutta, actions of debt, and all personal actions against such Officers, Non-Commissioned Officers, or Soldiers, all persons licensed to act as sutlers to any corps or detachment, or at any station or cantonment, or other persons amenable to the provisions of this Act, or resident within the limits of a military cantonment, shall be cognizable before a Court of Requests composed of military officers, and not elsewhere, provided the value in question shall not exceed 400 Sicca Rupees, and that the defendant was a person of the above description when the cause of action arose.

Such debts and actions provided for by Sect. LVII. of Stat. IV. George IV. Cap. LXXXI.

Certain powers heretofore vested in the Magistrates in the cognizance of debts due by British Subjects declared to be no longer in force.

Second.—The power given to the magistrates of districts, by Section CVI. of Statute LIII. Geo. IIId. Cap. CLV. to take cognizance of debts not exceeding 50 Rs. alleged to be due from British subjects to natives of India, and to pass a summary decision on the same, in so far as regard claims on Officers or Soldiers being European British subjects, is also repealed by the Section LVII. of Statute IVth. Geo. IVth. Cap. LXXXI.

British subjects attached to the Army declared still amenable to Local Courts for debts exceeding 400 rs.

Third.—Officers and Soldiers being European British subjects will still be subject to the jurisdiction of the Local Courts of Civil Justice, under the provisons of Section CVII. of Statute LIII. Geo. IIId. Cap. CLV. except in actions of debt and personal actions not exceeding 400 Rupees in value or amount.

To what extent the provisions of Section XXII. Regulation XX. 1810, will still remain in force.

Fourth.—The provisions of Section XXII. Regulation XX. 1810, will still remain in force so far as they relate to actions of debt and personal actions against Officers, Soldiers, and retainers of the description therein specified or referred to, not being European British Subjects within the provisions referred to in the First Clause of this Section.

Course to be followed in case of a Witness refusing to be sworn before a Military Court.

IV. Whenever a witness in attendance before a general Court Martial or other military court duly authorized to administer an oath, shall refuse to be sworn, and the Court shall be of opinion that the testimony of such witness is essential, and that there is no sufficient reason to exempt him from taking the Oath, the Judge Advocate General, or other officer conducting the proceedings of the court, shall be authorized to forward such witness with a written statement to the Zillah or City Magistrate or Joint Magistrate, within whose jurisdiction the court may be held,

Inquiries to be made by the Magistrates and Joint Magistrates.

and the Magistrate or Joint Magistrate is hereby directed to make such inquiries into the case as may satisfy him that the witness ought or ought not to be exempted from taking an oath under the provisions of Regulation L. 1803. If the Magistrate or Joint Magistrate shall be of opinion that no sufficient grounds exist for exempting the witness from taking the prescribed Oath, he shall proceed in the same manner as if the refusal to give evidence on oath had taken place in his own court: on the other hand, if he shall be of opinion that the witness ought not to be compelled to take the Oath, he shall certify the same to the Judge Advocate General or other officer above referred to, and shall not impose any penalty on such witness.

A. D. 1825. REGULATION XXI.

A REGULATION for annexing to the jurisdiction of the Commisioner of Kumaoon the tract of Country called the Deyra Doon, and also the Pergunnah of Chandnee, heretofore forming part of the districts of Seharumpore and Moradabad:—Passed by the Governor General in Council on the 8th December 1825, corresponding with the 24th Aughun 1232 Bengal era; the 13th Aughun 1233 Fussily; the 25th Aughun 1233 Willaity; the 14th Aughun 1882 Sumbut; and the 27th Rubbeeussanee 1241 Higeree.

Preamble.

BY the provisions of Regulation IV. 1817, the tract of country denominated the Deyra Doon was annexed to the district of Seharunpore, and the Laws and Regulations in force in that district were, with certain exceptions, extended to the Deyra Doon; local circumstances, however, have rendered it expedient to transfer the above-mentioned tract of country to the jurisdiction of the Commissioner in Kumaoon, and also to place under the same authority the whole of the Pergunnah of Chandnee, part of which is now attached to the district of Moradabad, and part to the district of Seharunpore. The Governor General in Council has, accordingly, been pleased to enact the following Rules to be in force from the date of their promulgation.

Part of Regulation IV. 1817, rescinded, and the Deyra Doon to be in future annexed to the jurisdiction of the Commissioner of Kumaoon.

II. Section II. Regulation IV. 1817, which declares that the tract of country called the Deyra Doon shall be annexed to the district of Seharunpore, is hereby rescinded. The remaining Sections of that Regulation are to remain in force, but from and after the promulgation of this Regulation, the Deyra Doon shall be annexed to the jurisdiction of the Commissioner for the province of Kumaoon.

Pergunnah Chandnee to be in future subject to the authority of the Commissioner of Kumaoon.

III. In like manner the Pergunnah of Chandnee, partly situated in the district of Moradabad, and partly in that of Seharunpore, is hereby separated from those districts, and declared subject to the authority of the Commissioner of Kumaoon.

The provisions of Regulation X. 1817, declared applicable to the Deyra Doon and

IV. From and after the promulgation of this Regulation, the operation of all regulations not expressly extended to the province herein mentioned shall cease to have effect in the Deyra Doon, and in the Pergunnah of Chandnee; and the system

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of internal administration now established in the province of Kumaoon, under the provisions of Regulation X. 1817, shall be considered applicable to those tracts of country; subject to such modifications as local circumstances, or other considerations, may hereafter render necessary or expedient.

to Pergunnah Chandnee, and all other Regulations to cease to have effect in those tracts of country.

RULE, ORDINANCE, AND REGULATION

Passed by the Governor General in Council in Bengal, in the Year 1825.

A Rule, Ordinance, and Regulation for the good Order and Civil Government of the Settlement of Fort William, in Bengal, made and passed by the Right Honourable William Pitt Lord Amherst, Governor General of and for the Presidency of Fort William in Bengal in Council, the Twenty-eighth day of July, in the Year of our Lord One Thousand Eight Hundred and Twenty-five, and Registered in the Supreme Court of Judicature, at Fort William in Bengal, the 24th day of August in the same Year.

Recites Rule of the 21st June 1816.

WHEREAS a certain Rule, Ordinance, and Regulation intituled "A Rule, "Ordinance, and Regulation for the Good Order and Civil Government of the Set- "tlement of Fort William in Bengal, and for ascertaining and fixing the Wages to "be paid to seafaring men belonging to the Port of Calcutta, and for securing the "same to the said men, as also for the better providing the Ships and Vessels navi- "gating to and from the said Port with seafaring men," was made and passed by the Right Honourable Francis Earl of Moira, Knight of the Most Noble Order of the Garter, Govenor General of and for the Presidency of Fort William, in Bengal in Council, the Twenty-first day of June, in the Year of Our Lord One Thousand Eight Hundred and Sixteen, and was Registered in the Supreme Court of Judicature at Fort William in Bengal, the Twenty-fourth day July in the same year.

And Rule of the 2d November 1816.

AND WHEREAS a certain other Rule, Ordinance, and Regulation, intituled "A Rule, Ordinance, and Regulation for the Good Order and Civil Government "of the Settlement of Fort William in Bengal," was made and passed by the said Governor General of and for the Presidency of Fort William in Bengal in Council, the Second day of November, in the Year of Our Lord One Thousand Eight Hundred and Sixteen, and registered in the said Supreme Court of Judicature at Fort William in Bengal, the Twenty-sixth day of November in the same year.

And Rule of the 11th July 1817.

AND WHEREAS a certain other Rule, Ordinance, and Regulation, intituled, "A Rule, "Ordinance, and Regulation, for the Good Order and Civil Government of the "Settlement of Fort William in Bengal," was made and passed by the Honourable the Vice President in Council the Eleventh day of July, in the Year of Our Lord One Thousand Eight Hundred and Seventeen, and registered in the said Supreme Court of Judicature, at Fort William in Bengal, the Eleventh day of August in the same year.

Expedient that first recited Rule be in part annulled and two last recited Rules wholly annulled.

AND WHEREAS it is deemed expedient for the Good Order and Civil Government of the Settlement of Fort William in Bengal, that the Rule, Ordinance, and Regulation hereinbefore first recited should be in part annulled and repealed, and that the said two several last hereinbefore recited Rules, Ordinances, and Regulations should be wholly annulled and repealed; be it therefore ordained by the Right Honourable William Pitt Lord Amherst, Governor General of and for the Presidency and Settlement of Fort William in Bengal in Council, by and in virtue of the authority and powers in him vested by a certain Act of Parliament made and passed in the thirteenth year of the reign of his late Majesty King George the Third, intituled "An Act for establishing certain "Regulations for the better management of the affairs of the East India Company "as well in India as in Europe;" and by a certain other Act of Parliament passed in the fortieth year of his said late Majesty King George the Third, intituled, "An Act for establishing further Regulations for the Government of the British "Territories in India, and the better Administration of Justice within the same;" That the said Rule, Ordinance, and Regulation, made and passed the Twenty-first

Therefore the said Rule of the 21st June 1816, save as herein mentioned, and also the said Rules of the 2d November 1816 and 11th July 1817, declared to be annulled and repealed.

Day of June, in the Year of our Lord One Thousand Eight Hundred and Sixteen and registered as aforesaid and hereinbefore first recited, save and except so much thereof as relates to and annuls and repeals a certain rule, ordinance, and regulation therein recited, and intituled, "A Rule, Ordinance, and Regulation for "ascertaining and fixing the Wages to be paid to the native seafaring men be-"longing to the Port of Calcutta, and for securing the same to the said men, as "as also for the better providing the Ships and Vessels navigating to and from the "said Port with native seafaring men;" and also that the said two several other Rules, Ordinances, and Regulations bearing date respectively the Second day of November, in the Year of Our Lord One Thousand Eight Hundred and Sixteen, and the Eleventh day of July, in the Year of Our Lord One Thousaud Eight Hundred and Seventeen, and respectively registered as aforesaid, and hereinbefore recited, shall, from and after the due registry and publication of this Rule, Ordinance, and Regulation in the Supreme Court of Judicature at Fort William in Bengal, with the consent and approbation of the said Supreme Court if the said Court shall in its discretion approve of and consent to the registry and publication of the same, be and the same are severally and respectively hereby declared to be annulled and repealed. Provided always, and be it ordained that nothing herein contained shall have the effect of avoiding any Indenture, or Contract of Apprenticeship, or any other contract or agreement already made or entered into by virtue or in pursuance of any of the regulations which are hereby either wholly, or in part repealed, nor to annul, take away, or affect any subsisting claims or causes of action whatsoever, but that all such indentures, contracts, agreements, claims and causes of action shall be of the same force and effect as if this Regulation had not been made.

Provided that existing Indentures or Contracts of Apprenticeship, &c. shall not be affected thereby.

I.—(*continued.*)

REGULATIONS

Passed by the Governor General in Council of *Bengal*, in the Year 1826. N° I. to XII.

A. D. 1826. REGULATION I.

A REGULATION for augmenting the number of Judges of the Provincial Courts of Appeal and Circuit as may from time to time appear necessary:—Passed by the Governor General in Council on the 2d March 1826, corresponding with the 20th Phagoon 1232 Bengal era; the 8th Phagoon 1233 Fusly; the 21st Phagoon 1233 Willaity; the 9th Phagoon 1882 Sumbut, and the 22d Rujub 1241 Higeree.

Preamble.

WHEREAS it is enacted by Clause 2d, Section II. Regulation V. of 1814, that the provincial courts for the divisions of Calcutta, Dacca, Moorshedabad, Patna, Benares, and Bareilly, shall consist each of four Judges: and whereas the heavy arrears of civil business in some of those courts render it expedient that the number of Judges should be occasionally increased, according as may from time to time appear necessary for the dispatch of business, as well in the Provincial Courts of Appeal, as in the Courts of Circuit; the following Rules have been enacted, to be in force from the date of this Regulation.

II. *First.*—

II. *First.*—So much of Clause 2, Section II. Regulation V. of 1814, as limits the number of Judges of the Provincial Courts to four, is hereby rescinded.

Parts of Clause 2d, Section II. Regulation V. 1814, rescinded.

Second.—It shall be competent to the Governor General in Council to appoint as many Judges in each of the Provincial Courts of Appeal and Courts of Circuit, as may be deemed necessary for the due dispatch of the business of those courts.

The number of Judges in each of the Provincial Courts of Appeal and Circuit to be augmented when deemed necessary.

A. D. 1826. REGULATION II.

A REGULATION to extend, with certain exceptions and conditions, the existing settlement in the provinces ceded by the Nuwab Vizier to the British Government, for a further period of Five Years:—Passed by the Governor General in Council on the 26th April 1825, corresponding with the 15th Bysack 1238 Bengal era; the 4th Bysack 1233 Fuslee; the 16th Bysack 1233 Willaity; the 5th Bysack 1883 Sumbut; and the 18th Rumzan 1241 Higeree.

WHEREAS, the existing settlement in the provinces ceded by the Nuwab Vizier to the British Government, with the exception of certain districts and mehals, will expire with the ensuing Fuslee Year 1234: and whereas, with certain exceptions, it appears to be expedient to extend the said settlement for a further term, in cases in which the settlement has been formed with Zemindars or other persons recorded as proprietors or possessors of a permanent interest in the mehal, for which they have engaged, or as the representatives of such persons: and whereas it appears also to be desirable to provide for the continuance of the engagements of Zemindars and other persons as aforesaid, subsequently to the expiration of the period specifically fixed for the same, until a careful revision of the settlement can be completed: and whereas it is desirable to make further provision for securing the improvement of the country; the following rules have been enacted, to be in force throughout the British territories immediately subject to the government of the Presidency of Fort William, from the date of their promulgation.

Preamble.

II. *First.*—The existing settlement in the ceded provinces (with the exceptions and subject to the provisions hereinafter stated) shall be extended to a further period of five years, viz. for the years 1235 to 1239 Fuslee, inclusive, in cases in which it may have been concluded with Zemindars, Lumberdars, or other persons recorded as the proprietors or possessors of a permanent interest in the mehal for which they may have engaged, or as the representatives of such persons.

The existing settlement in the Ceded Provinces extended to a further period of five years.

Second.—If any Zemindars and other persons aforesaid shall be unwilling to continue their engagements for a further period of five years, on the terms specified in this Regulation, they shall notify the same to the Collector, or other officer exercising the powers of the collector, to whom they may be subject, on or before the 31st July next, corresponding with the 12th Sawun 1233 of the Fuslee era. And all Zemindars and other persons aforesaid who shall not make a notification to the effect, and within the period above mentioned, shall be held and are hereby declared to be responsible for the payment of the same revenue for each of the five years subsequent to the settlement now in force, viz. for the years 1235 to 1239 inclusive, as may be specified in their engagements for the year 1234, Fuslee. And in such cases no alteration shall be made in the Jumma demandable by Government on account of the mehals held by such persons (excepting as hereinafter excepted) until the expiration of the said period of five years.

Zemindars, if unwilling to continue their engagements for a further period of five years, to notify the same to the Collector within a certain period.

On failure, to be responsible for the payment of revenue for each of the five years.

Third.—The above rules shall not apply to the districts of Goruckpore and Azimghur, for which special provision was made by Clause 4, Section 2, Regulation VII. 1822, nor shall they be held in any district to affect the terms of any engagements which may have been specifically entered into on account of any year or years subsequent to the general settlement now in force.

The foregoing Rules not applicable to the districts of Goruckpore and Azimghur, nor to any engagements specifically entered into on account of any year or years subsequent to the settlement now in force.

Fourth.—It shall be competent to Collectors and other officers exercising the powers of collectors, subject to the orders of the Board of Revenue to which they may be subordinate, to exclude from the operation of the preceding rules any mehal or mehals, of which a revised settlement may have been made, or be about to be made, under

Power vested in Collectors to exclude from the operation of the foregoing Rules, any Mehals of which a revised settlement

may have been made, or be about to be made under Regulation VII. 1822.

under the rules of Regulation VII. 1822, or in regard to which there may, in the judgment of these authorities, exist any special reasons for effecting an early resettlement of the same; and in the case of mehals of the last description, it shall be competent to the Collectors, or other officers aforesaid, to make an immediate resettlement of the same on the expiration of the existing leases; or to grant to the persons under engagements renewed leases for such further term (not exceeding five years) as the Board may direct. Provided, however, that in all cases in which it may be determined to adopt special measures as above in regard to any mehal or mehals, the Collector, or other officer aforesaid, shall give notice of such determination in writing to the person under engagements for the same on or before the 1st of March, 1827. A perwannah delivered to or left at the usual residence of the Malgoozar, or a notification stuck up under orders of the Collector, in any conspicuous place within the mehal, shall be held to be sufficient notice for the above purpose.

Notice to be given by Collectors on such occasions to the Malgoozars.

Zemindars and other persons who may be continued in their engagements for a further period of five years, shall be subject, after the expiration of the lease, to the payment of the same annual Jumma as may be chargeable on account of the last year of their lease.

III. Zemindars and other persons as aforesaid, whose engagements shall be continued for a further period of five years as above provided, as well as all other persons who may hereafter enter into engagements as proprietors, or as the representatives of proprietors, shall, after the expiration of the leases so extended or granted, hold the mehals for which they may have engaged or may hereafter engage, and shall continue to be subject to the payment of the same annual jumma as may be chargeable on account of the last year of their lease, until the Collector, or other officer exercising the powers of collector, shall effect a detailed revision of the settlement in the mode prescribed by Regulation VII. 1822, or shall be otherwise specially authorized by Government to make a fresh assessment: provided also, that no Zemindar or other Malgoozar as aforesaid shall be liable to pay on account of any year a higher jumma than that payable under the above rule, unless he shall have been apprized of the Board's approval of the new assessment on or before the month of Jeth preceding; nor shall any such Zemindar or other Malgoozar be ousted from the management of any mehal for which he may be under engagements without such notice, except by due course of law, on a decision in favour of the title of another party claiming the property of the same.

Proviso.

What Rules to be observed in the settlement of estates now let to farm, on the expiration of the existing leases.

Rules when Mehals may be let in farm.

The above Rules to be applicable to estates now held Khas.

IV. With respect to estates which are at present let to farm, a settlement thereof shall be made on the expiration of the existing leases, for such a period as the Governor General in Council may direct; a preference shall be given to the Zemindars or other persons possessing a permanent property in the mehals, if willing to engage for the payment of the public revenue on reasonable terms: provided also, that in cases wherein such mehals may be let in farm, the term of the lease granted to the farmers shall not, excepting as hereinafter excepted, exceed twelve years. The above rules shall likewise be applicable to estates now held khas; so in any case wherein the Zemindars and other proprietors may refuse to continue their existing engagements on equitable terms, it shall be competent to the Revenue Authorities to let the lands in farm for such period, (with the restriction herein specified,) as the Governor General in Council shall appoint, or to assume the direct management of them, and to retain them under khas management during the period aforesaid, or such shorter period as may be judged proper: provided also, that in cases wherein it shall appear that the Zemindars have wilfully reduced the cultivation of their lands, or otherwise deteriorated the mehal under their management or in their occupancy, it shall be competent to the Revenue Authorities to exclude persons so offending, and to let the lands in farm for a period of fifteen years. Leases for a like period may also be granted to Zemindars and farmers in cases where from special local circumstances the measure may appear necessary, with a view to the reclaiming of waste, the constructions of works requisite for the extension of cultivation, or otherwise for the improvement of the country.

Zemindars liable to be excluded for wilfully reducing the cultivation of their lands.

A. D. 1826. REGULATION III.

A REGULATION for extending to Dewannee Prisoners some of the provisions in Regulation XIV. 1816, and for modifying the Rule contained in Section 3, Regulation IV. 1816:—Passed by the Governor General in Council on the 11th May 1826, corresponding with the 30th Bysack 1233 Bengal era; the 19th Bysack 1233 Fusly; the 31st Bysack 1233 Willaity; the 4th Bysack 1883 Sumbut, and the 3d Rumzan 1241 Higeree.

Preamble.

WHEREAS the rules contained in Regulation XIV. 1816, apply only to the Criminal Jails: and whereas it is expedient to extend them in part to prisoners confined in the Civil Jails under process of the Civil Courts: and whereas the occasional separation of the offices of Judge and Magistrate, makes it necessary to modify the rule contained in Section 3, Regulation IV. 1816; the following Rules are therefore enacted to be in force, from the time of their promulgation, in all the provinces immediately subject to the Presidency of Fort William.

Section 3, Regulation IV. 1816, modified.

II. In modification of Section 3, Regulation IV. 1816, the control of the Civil Jail of each zillah and city jurisdiction is hereby vested in the Magistrate of such district or city, and the Magistrate shall henceforth perform the duties described in the Section above cited.

Magistrate vested with power of summary inquiry and punishment.

III. The Magistrate is hereby vested with authority to punish, on a summary inquiry, the offences specified in the the following Section of this Regulation.

Detail of Offences.

IV. *First.*—Refractory behaviour by any prisoner confined under process of the Civil Court, such as resistance to the jailor, guards or other public officers in the regular discharge of their public functions; abusive language to any such officers, and generally any culpable behaviour towards them, which may not involve a serious act of criminality, such as cannot be duly punished by the Magistrate and should therefore be brought before the Court of Circuit.

Second.—Any other instance of disorderly conduct by a prisoner, such as riot, insurrection, attempt to escape, conspiring with other prisoners with a view to escape, or for the purpose of insurrection, or for any other unlawful or prohibited purpose, abusing or assaulting another prisoner, and generally, any misconduct committed by a prisoner whilst in custody, which, under the Regulations in force, or from its aggravated nature, may exceed the competency of the Magistrate, and therefore be more properly cognizable by the Court of Circuit.

Extent and mode of punishment.

V. *First.*—The powers vested in the Magistrate for the punishment of the offences specified in the preceding Section, which on a summary inquiry may appear to have been committed by any of the prisoners confined under civil process, are declared to be as follows; due regard being had to the nature of the offence, the condition of the prisoner, and every just consideration applicable to the case.

Second.—The offences specified in the preceding Section shall be punishable by close confinement, or by a reduction of the prisoner's allowance, for any term not exceeding two months; the allowance to be in no case reduced below what may be consistent with the prisoner's support, and the difference between the prisoner's full allowance and the reduced rate to be carried to the credit of Government as a fine.

Record of inquiry and sentence and rule for the inspection thereof.

Third.—The rule for conducting such summary inquiries, and recording such sentences, and for their inspection by the Judge of Circuit, shall be the same with that prescribed with regard to prisoners confined in the Criminal Jails, by Section 8, Regulation XIV. 1816.

Proviso.

VI. Provided, however, that nothing in this Regulation shall be construed to give the Magistrate any jurisdiction whatever over the question of a civil prisoner's liability to confinement, or title to release, with reference to the civil process under which he may have been sent to jail, or to preclude the Judge of the Civil Court, or his ministerial officers, European or Native, authorized and deputed by him, from visiting the Civil Jail, or the Judge from summoning any civil prisoner to his court, upon matters connected with the civil process under which he is confined, or for other judicial purpose.

A. D. 1826. REGULATION IV.

A REGULATION for expediting the Proceedings of the Mofussil and Sudder Special Commissions, acting under the Provisions of Regulation I. 1821 :—Passed by the Governor General in Council on the 22d June 1826, corresponding with the 9th Assar 1233 Bengal era; the 3d Assar 1233 Fusly; the the 10th Assar 1233 Willaity; the 3d Assar 1883 Sumbut; and the 15th Zekaada 1241 Higeree.

Preamble.

WHEREAS it is expedient, with a view to the speedy accomplishment of the objects contemplated by the enactment of Regulation I. 1821, and Regulation I. 1823, that the members of the Mofussil and Sudder Special Commissions, appointed under the Provisions of the first-mentioned Regulation, should be empowered to sit separately, and, under certain restrictions, singly, to try and decide the cases cognizable by the said commissions: and further that the members of the Mofussil Commission should be authorized to refer cases of certain descriptions to arbitration; the following Rules have been enacted by the Governor General in Council, to be in force from the date of their promulgation.

A single Member competent to hold a sitting of the Mofussil Special Commission.

First.—A single member of the Mofussil Special Commission is hereby declared competent to hold a sitting of the said commission, and to exercise all the powers vested by the existing Regulations in the commission collectively; subject only to such restrictions as may be prescribed by Government, or by the Sudder Special Commission, with the sanction of Government.

Orders passed by a single Member of the Mofussil Commission to have the same force as orders passed by the Commission collectively.

Second.—All orders and decisions passed by a single member of the Mofussil Special Commission, under the foregoing rule, shall have the same operation and effect as orders and decisions passed by the Commission collectively; and shall be appealable only to the Sudder Special Commission.

The Mofussil Special Commissioners may refer certain descriptions of cases to arbitration.

III. In cases coming under the cognizance of the Mofussil Special Commission, in which the specific interest of the several Putteedars or Parceners of an estate or mehal is disputed, and in which it may be difficult otherwise to adjust the differences of the claimants, the said Commission, or any member of it, before whom such a case may be brought for trial, is hereby authorized, if the parties shall consent, to refer the adjustment of the matters in dispute to the arbitration of three or more neighbouring Zumeendars, or other respectable persons; and to pass judgment in conformity with their award.

A single Member competent to hold a sitting of the Sudder Special Commission.

IV. A single member of the Sudder Special Commission is hereby declared competent to hold a sitting of that commission, and to exercise all the powers vested therein by the existing Regulations; subject to the provision, that no final order or judgment reversing or altering an order or judgment of the Mofussil Special Commission, or of a member of it, shall be passed, except by the concurrent decision of two members of the Sudder Special Commission.

A. D. 1826. REGULATION V.

A REGULATION for annexing to the Zillah of Agra the Pergunnah of Goberdhun :—Passed by the Governor General in Council on the 22d June 1826, corresponding with the 9th Assar 1233 Bengal era; the 3d Assar 1233 Fusly; the 10th Assar 1233 Willaity; the 3d Assar 1883 Sumbut; and the 15th Ze-kaddu 1241 Higeree.

Preamble.

WHEREAS the Pergunnah of Goberdhun forming part of the territories situated on the right bank of the Jumna, which were ceded to the Honourable the East India Company, by the treaty concluded with Doulut Rao Sindiah, on the 30th November 1803, and which pergunnah was subsequently granted free of assessment to Koour Luchmun Singh, a younger son of Rajah Runjeet Singh, of Bhurtpoor, has been resumed in consequence of the death of the said Koour Luchmun Singh; and whereas it has been judged advisable to annex the said pergunnah to the district of Agra, the following Rules have been enacted, to be in force from the period of their promulgation.

II. The

II. The Pergunnah of Goberdhun shall be annexed to the district of Agra, and the Laws and Regulations established for the internal administration of that district are hereby declared to be in force and effect in Pergunnah Goberdhun, from and after the promulgation of this Regulation, subject however to the provisions contained in the following Sections.

The Pergunnah of Goberdhun annexed to Agra, and the existing Laws and Regulations extended to that Pergunnah subject to the following Provisions.

III. The Courts of Civil Judicature shall not be deemed competent to take cognizance of civil claims in Pergunnah Goberdhun, the cause of action in which may have originated previously to the 25th January 1814, being a period of twelve years antecedent to the date on which that pergunnah was resumed.

Civil Courts prohibited from taking cognizance of Suits, if the cause of action shall have arisen previously to the 25th January 1814.

IV. The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence committed in any part of the said pergunnah previously to the 25th January 1826, the date on which that pergunnah was resumed.

Criminal Courts prohibited from taking cognizance of offences committed previously to the 25th January 1826.

V. The Stamp Regulations shall not be enforced within the Pergunnah of Goberdhun during a period of one year, from the 25th January 1826.

Stamp Regulations not to be enforced during a period of one year.

VI. The Governor General in Council reserves to himself the power of fixing the periods for which the settlement of the Land Revenue shall from time to time be formed in the said pergunnah, according as local circumstances may appear to require, adhering however as nearly as practicable to the principles established for the settlement generally of the lands in the territories ordinarily denominated the Ceded and Conquered Provinces.

Power reserved to the Governor General in Council, of fixing the periods for the formation of the settlement of the Land Revenue.

A. D. 1826. REGULATION VI.

A REGULATION for constituting the jurisdiction of the Joint Magistrate, stationed at Futtehpore, a distinct Zillah:—Passed by the Governor General in Council on the 13th July 1826, corresponding with the 30th Assar 1233 Bengal era; the 24th Assar 1233 Fusly; the 31st Assar 1233 Willaity; the 9th Sawun 1883 Sumbut; and the 6th Zehijja 1241 Higeree.

WHEREAS it is deemed essential, with a view to the more efficient administration of Civil and Criminal Justice, as well as to ensure the more punctual realization of the Land Revenue, that the tract of country, comprising portions of the districts of Cawnpore and Allahabad, now under the authority of the Joint Magistrate stationed at Futtehpore, should be constituted a separate Zillah, with such modification of limits as may hereafter appear to be advisable, the following Rules have been enacted to be in force from the 1st of September next.

Preamble.

II. *First.*—From and after the date specified in the Preamble to this Regulation, the tract of country forming portions of the districts of Allahabad and Cawnpore, comprised in the following Police Thannah Divisions, viz. in the Thannahs of

What Police Thannahs of Allahabad and Cawnpore to constitute a distinct Civil and Criminal Jurisdiction to be denominated the Zillah of Futtehpore.

Currah,
Hutgong,
Hussooah,
Futtehpore,
Ghazeepore, and
Kishunpore,
} In the District of Allahabad.

And in the Thannahs of

Bindkee,
Khujooa,
Corah Juhanabad, and
Amowly,
} In the District of Cawnpore,

shall constitute a distinct Civil and Criminal Jurisdiction, to be denominated the Zillah of Futtehpore.

Second.—Provided, however, that it shall be competent to the Governor General in Council, by an Order in Council, to make any alteration in the limits of the said

Proviso.

zillah, or any of the zillahs adjacent, which may at any time be deemed necessary or expedient.

Futtehpore Zillah to be subject to the Provincial Court of Benares.

III. The Zillah of Futtehpore shall be subject to the jurisdiction of the Provincial Court of Appeal, and Court of Circuit, for the division of Benares.

A. D. 1826. REGULATION VII.

A REGULATION for transferring the control of the Benares Mint from the Board of Revenue in the Central Provinces to a Local Committee:—Passed by the Governor General in Council on the 13th July 1826, corresponding with the 30th Assar 1233 Bengal era; the 24th Assar 1233 Fusly; the 31st Assar 1233 Willaity; the 9th Sawun 1883 Sumbut; and the 6th Zehijja 1241 Higeree.

Preamble.

WHEREAS it will conduce to the public convenience to vest the superintendence of the Benares Mint in a Local Committee, according to the principle already acted upon in regard to the Calcutta Mint; the following Rules have been enacted, to be in force from the date of their promulgation.

The Benares Mint to be subject to the authority of a Local Committee.

II. Sections XV. and XVII. Regulation II. 1812, and so much of any other regulation in force as vests the Board of Revenue in the central provinces with the superintendence of the Benares Mint, are hereby rescinded. The mint and assay masters of the said mint, and the subordinate officers, shall be subject to the authority of a local committee, consisting of such officers as the Governor General in Council may from time to time appoint, and the said Committee shall be guided by such rules as may be prescribed by Government.

A. D. 1826. REGULATION VIII.

A REGULATION for modifying certain parts of Regulation VII. 1824, relative to Contraband Opium:—Passed by the Governor General in Council on the 13th July, 1826, corresponding with the 30th Assar 1233 Bengal era; the 24th Assar 1233 Fusly; the 31st Assar 1233 Willaity; the 9th Sawun 1883 Sumbut; and the 6th Zehijja 1241 Higeree.

Preamble.

WHEREAS it appears to be advisable to modify certain parts of Regulation VII. 1824, relative to Contraband Opium; the following Rules have been enacted, to be in force from the date of their promulgation.

Section XX. Regulation VII. 1824, modified.

II. In modification of Section XX. Regulation VII. 1824, it is hereby declared and ordered, that by "Marketable Opium" is to be understood, Opium having not more than one quarter of foreign matter in it; and that by "Inferior Opium" is to be understood opium having not more than one half of foreign matter in it, and that all opium adulterated with more than one half of foreign matter shall be considered useless.

Section XXI. of the above Regulation, relative to Rewards payable to persons concerned in the Seizure of Opium, modified.

III. In modification of the rules contained in Section XXI. Regulation VII. 1824, relative to the rewards payable to persons concerned in the seizure of opium, it is hereby provided that it shall be competent to the Governor General in Council, by an order in Council, to discontinue the payment of the said rewards to any officers of Government whatever, and to modify the distribution of the rewards receivable by such officers in the same manner as is already provided by clause first of the said Section and Regulation in regard to covenanted servants of the Company.

A. D. 1826. REGULATION IX.

A REGULATION for transferring the Superintendence of the Custom House at Patna from the Board of Revenue in the Central Provinces to the Board of Customs at the Presidency; and for vesting the latter Board with the control of the other Customs in the Central and Western Provinces, and in the Province of Cuttack concurrently with the Central and Western Boards of Revenue and the Commissioner of Cuttack respectively:—Passed by the Governor General in Council on the 13th July, 1826, corresponding with the 30th Assar 1233 Bengal era; the 24th Assar 1233 Fusly; the 31st Assar 1233 Willaity; the 9th Sawun 1883 Sumbut; and the 6th Zehijja 1241 Higeree.

Preamble.

WHEREAS the Sudder station of the Board of Revenue for the central provinces has been removed from Patna to Allahabad, and the charge of the Custom House established at the former station has been vested in the Superintendent of the Salt Chokies in Behar, which officer is subordinate to the Board of Customs, Salt and Opium at the Presidency; and other circumstances appear to render it expedient to transfer to the last-mentioned Board the superintendence of the said Custom House, with the same powers and authority in regard to the Customs and Town Duties, as are now possessed and exercised by the Central Board of Revenue: and whereas, with the view of establishing an uniform and efficient system of audit, it appears further to be expedient to modify the system according to which the operations of the several other Custom Houses in the central and western provinces and in Cuttack, touching the collection of the custom duties, are now superintended and controlled, by vesting in the Board of Customs at the presidency authority to superintend and regulate the managment of the several Custom Houses aforesaid, in concurrence with the Boards and Commissioner to whom the Collectors in the said provinces are now subject; the following Rules have been enacted, to be in force from the date of their promulgation.

Parts of Regulations IX. and X. 1810, Regulation III. 1822, and other Regulations modified.

II. So much of Regulations IX. and X. 1810, Regulation III. 1822, and of any other regulation in force as vests the Boards of Revenue in the central and western provinces, and the Commissioner of Cuttack, with the control over the Custom Houses in the said provinces, is hereby declared subject to the following modifications.

The Collectors of Customs and Town Duties at Patna, to be subject in future to the authority of the Board of Customs at the Presidency.

III. The Board of Revenue in the central provinces shall, from the date of the promulgation of this Regulation, cease to exercise any authority over the Collector of Customs and Town Duties at Patna; and the Board of Customs at the presidency shall be vested with the duties, powers and authority now possessed and exercised by the central board in regard to the said Custom House, and to all persons and things chargeable with Customs or Town Duties at that place, or subject to the authority or liable to the process of the Collector thereof.

The Collectors and Deputy Collectors of Customs, at Ghazeepore, Benares, Mirzapore, Allahabad, Cawnpore, Furruckabad, Bareilly, Meerut, Agra, and Balasore, to be in future subject to the authority of the Board of Customs at the Presidency.

IV. The Collectors and Deputy Collectors of Customs at Ghazeepore, Benares, Mirzapore, Allahabad, Cawnpore, Furruckabad, Bareilly, Meerut, Agra and Balasore, shall be subject to the Board of Customs at the presidency, in regard to the rates of duty to be levied, the valuation of goods, the issuing and disposing of rowannahs and passes, the appointment, dismissal and punishment of their native officers, the preparation of reports, registers and accounts, the establishment of chokies, the sale of goods deposited or confiscated and generally in regard to all matters relating to the collection of the Government Customs (excepting as hereinafter excepted), in the same manner as they are now subject respectively to the authority of the Central and Western Boards of Revenue and the Commissioner of Cuttack; and the said Boards and Commmissioner shall not interfere with the proceedings of the Collectors in regard to the said matters unless specially authorized to do so by the Governor General in Council. If any doubt shall arise in regard to the intent and meaning of this rule, it shall be competent to the Governor General in Council, by an order in Council to determine the point, any thing in the existing Regulations to the contrary notwithstanding; and generally to decide, with the exception hereinafter stated, under what authority the Collectors and Deputy Collectors aforesaid shall act in the discharge of any part of their official duty.

What powers shall continue to be exercised by the Central and Western Boards of Revenue, and Commissioner of Cuttack.

V. Provided, however, that the Central and Western Boards of Revenue, and Commissioner of Cuttack, shall continue to possess and exercise the same powers and authority as now belong to them, in regard to the confiscation of goods, the levying of double duty, and other penalties prescribed for acts done by individuals in violation of the custom law and the remission of the same, and all cases relative to such confiscations and penalties shall be reported by the officers as above mentioned to the said Boards and Commissioner respectively as heretofore, and shall be dealt with and decided by them agreeably to the Regulations in force.

A. D. 1826. REGULATION X.

A REGULATION for removing doubts as to the application of Section L. Regulation X. 1819, to the district of Goruckpore: for prohibiting the manufacture, within any of the districts of Bengal, Behar and Orissa, of Noon-chye, or any description of Saline substance, used as a condiment with food, excepting on account of, or with the permission of Government: and for providing for the retail sale of Salt by Government Officers in certain cases: —Passed by the Governor General in Council on the 13th July 1826, corresponding with the 30th Assar 1233 Bengal era; the 24th Assar 1233 Fusly; the 31st Assar 1233 Willaity; the 9th Sawun 1883 Sumbut; and the 6th Zehijja 1241 Higeree.

Preamble.

WHEREAS doubts have arisen as to application of the rule contained in Section L. Regulation X. 1819, to the district of Goruckpore, which it is desirable to remove: and whereas it appears that the manufacture of a saline substance denominated Noon-chye, being the ashes of straw, burnt after having been steeped in salt water, and the preparation therefrom of condimentary salt is carried on in the district of Chittagong to a great extent, contrary to the obvious intent and meaning of the Law: and whereas it is the intention of Government to authorize the retail sale of salt at a cheap rate in the said district, and in certain other parts of the country, where such a measure appears to be required for the relief of the people, according to a system already established in the province of Cuttack; the following Rules have been enacted, to be in force from the date of their promulgation.

The provisions of Section L. Regulation X. 1819, to be applicable to the district of Goruckpore, and to any other districts adjoining the province of Behar.

II. It is hereby declared and enacted, that the provisions of Section L. Regulation X. 1819, which prohibit all persons from importing, transporting, or storing within the distance of eight coss from the limits of the districts of Shahabad and Sarun, any of the salt described in the preceding Section of the said Regulation in quantities exceeding one maund, and which render all salt imported, transported, or stored in violation of the said prohibition liable to seizure and forfeiture, are and shall be considered applicable to the importation, transportation, or storing any quantity of the salt therein referred to, exceeding one maund within the distance of eight coss from the limits of the district of Goruckpore, or any other district belonging to this presidency, and adjoining the province of Behar.

The manufacture of Noon-chye, or any other description of saline substance in the provinces of Bengal Behar and Orissa shall be considered to be a violation of the Rules contained in Section XXX. Regulation X. 1819.

What place shall be held to constitute salt works.

III. It is hereby declared and enacted, that the manufacture within the province of Bengal, Behar, and Orissa of Noon-chye, or any description of saline substance used as a condiment with food (excepting on account of Government or with its sanction), is and shall be considered to be a violation of the rule contained in Section XXX. Regulation X. 1819; any place prepared for the reception or evaporation of salt water, or the collection of earth or other matter impregnated with salt, for the purpose of manufacturing salt or any saline substance as aforesaid, shall be held to constitute a salt-work, within the meaning of Section XXXI. and the four subsequent Sections of the said Regulation. And the manufacture, importation, transportation, possession, sale, and purchase of any saline substance, as aforesaid, shall be, and be held liable to the same rules, restrictions, and penalties as attach to manufacture, importation, transportation, possession, sale or purchase of ordinary alimentary salt.

Retail sale of salt allowed under certain circumstances.

IV. Where from local circumstances, or other sufficient cause, it shall appear to Government to be proper to direct the retail sale of salt within any particular district or tract of country, and consequently to modify the rules generally applicable to that branch of the public resources, it shall be competent to the Governor Gene-

ral

ral in Council, by an order in Council, to direct the said rules, or any part of them to be suspended within the district or tract of country in question, for such period as may from time to time appear proper, and in lieu thereof to prescribe for the same such other rules relative to transportation, sale, purchase, and possession of salt, and for the issue and disposal of Rowannahs, and passes as may from time to time appear to be expedient. Provided, however, that the penalties attaching to the violation of the rules so specially prescribed shall not in any case exceed those which would attach under the general regulations to the illicit transportation, sale, purchase or possession of the like quantity of salt. In all such cases, the special rules prescribed shall be published in the current language of the district, and shall be affixed at the Cutcherry of the Judge, Magistrate, and Collector of the district, as well as at the office of the Local Salt Agent and Superintendent of Chokies, and at the several Police Thannahs, and Salt Chokies within the tract in question.

Special Rules to be prescribed in such cases.

Such Rules to be published.

A. D. 1826. REGULATION XI.

A REGULATION for providing a succession of duly qualified Hindoo and Mahomedan Law Officers, in the several Courts of Justice; and for enacting an additional Rule for the appointment of Vakeels in the Zillah and City Courts:—Passed by the Vice-President in Council on the 4th August 1826, corresponding with the 21st Sawun 1233 Bengal era; the 16th Sawun 1233 Fusly; the 22d Sawun 1233 Willaity; the 1st Sawun 1883 Sumbut; and the 28th Zehijja 1241 Higeree.

WHEREAS the power formerly exercised by the Governor General in Council of confirming the appointment of the Law Officers of the Provincial, Zillah, and City Courts, was transferred to the Court of Sudder Dewanny Adawlut by Section IV. Regulation VIII. 1809; and considerations which are connected with measures in progress under the immediate control of Government for promoting education amongst the natives of these provinces, and for securing the services of the most able and learned persons for those high offices, have suggested the expediency of altering the rules now in force for the nomination and appointment of the Law Officers in the several Courts of Justice, and of vesting the confirmation of all such appointments in the Executive Government: and whereas it is deemed advisable to provide by a specific enactment, in addition to the rules contained in Section III. Regulation XXVII. 1814, for the admission of qualified students at the public colleges under this presidency to hold the office of Vakeel in any of the Zillah and City Courts; the following Rules have been passed by the Vice-President in Council, to be in force from the date of their promulgation throughout the whole of the provinces immediately subject to the Presidency of Fort William.

Preamble.

II. The rules contained in Regulations V. 1804, VIII. 1809, and XVIII. 1817, or in any other regulation now in force, relative to the nomination and appointment of the law officers of the several courts of justice, are hereby declared subject to the modifications contained in the present Regulation; provided, however, that nothing in this Regulation shall be construed to alter or effect the power vested in the Court of Sudder Dewanny Adawlut by Section IV. Regulation VIII. 1809, of confirming the removal of the law officers of the provincial, zillah and city courts; or to alter any part of the rules now in force respecting the removal of a law officer attached to any of those courts.

Regulations V. 1804, VIII. 1809, and XVIII. 1817, modified.

Proviso.

III. The appointment and removal of the law officers of the Sudder Dewanny Adawlut and Nizamut Adawlut shall be reported as heretofore for the previous sanction of the Governor General in Council; subject to the further provisions contained in the present Regulation.

The Law Officers of the Sudder Dewanny Adawlut and Nizamut Adawlut how to be appointed and removed.

IV. *First.*—The law officers of the Provincial Courts of Appeal and Circuit, and of the Zillah and City Courts, shall hereafter be appointed by the Governor General in Council.

The Law Officers of the Provincial, Zillah and City Courts, to be hereafter appointed by the Governor General in Council.

Second.—Whenever a law officer may be removed from his station, or whenever a vacancy may occur in the office of law officer in any of the courts of justice, from death, resignation, or otherwise, the Judge or Judges of the court

Rule to be observed on the removal, death, or resignation of a Law Officer.

in which the removal or vacancy may have occurred shall nominate, for the approbation of the Governor General in Council, a person duly qualified to succeed to the station so vacated, and shall at the same time report fully the past employments, character, qualifications, and age of the proposed successor, and likewise whether he has obtained the prescribed certificate of qualifications hereafter noticed. The Governor General in Council, on consideration of such report, or after calling for any further information that may appear necessary, will either confirm the person so nominated to fill the vacated office, or will issue orders for his examination, or appoint any other person whom he may deem better qualified for the office.

No person to be appointed a Law Officer who shall not have obtained a certificate of qualification.

V. *First.*—After the promulgation of this Regulation no person shall be appointed to be a Hindoo or Mahomedan Law Officer in any of the courts of justice under this Presidency who shall not have obtained a certificate of qualification (in one of the forms, A. or B. contained in the Appendix) after having undergone an examination, to be conducted in the manner hereafter noticed by a committee, consisting of such persons as the Governor General in Council may from time to time be pleased to appoint for that purpose.

Annual Examination of Candidates for the situation of Law Officer to be held before a Committee.

Second.—Public examinations shall be held before the committee early in each year, or at such periods as may be fixed by order of the Governor General in Council, of all persons who may offer themselves as candidates for the office of Law Officer, the result of which shall be reported to Government; and so many of the candidates as shall be found upon examination to be eminently qualified for the office of Hindoo or Mahomedan Law Officer, shall receive from the committee a certificate of qualification in the form A. contained in the Appendix to this Regulation.

Persons who may not have previously obtained a certificate of qualification how to be examined.

Third.—Whenever any person who may be nominated to the office of Law Officer by the Sudder Dewanny and Nizamut Adawlut, by the Provincial Court of Appeal and Circuit, or by the Zillah or City Judge, shall not have previously obtained a certificate of qualification, the Governor General in Council will issue such orders as may be deemed proper for the examination of such person; either before the Committee at the Presidency, or by means of written interrogatories to be transmitted by the committee to the Judge or Judges of the court in which the vacancy of Law Officer may have occurred, in whose presence the answers to such interrogatories shall be written by the person nominated for the vacant office; or by such other mode, as under the direction of the committee at the Presidency may be calculated to ensure a fair and impartial examination of the candidate.

The Committee to report the result of their Examinations and grant Certificates to Candidates who may be duly qualified.

Fourth.—The Committee at the Presidency shall report the result of the examination, prescribed in the foregoing clause, for the information of Government; and in the event of the candidate being declared duly qualified for the office of Hindoo or Mahomedan Law Officer, (as the case may be,) such candidate shall receive from the Committee a certificate of qualification according to one of the forms A. or B. with reference to the mode in which the examination of the candidate shall have been conducted.

A Native Student in any of the public Institutions under this Presidency who shall have received a certificate of qualification, shall be admitted to practise as a Vakeel in any of the Zillah and City Courts on application.

VI. In addition to the rules contained in Section III. Regulation XXVII. 1814, for the nomination and appointment of Vakeels in the several Zillah or City Courts, it is hereby enacted, that, after the promulgation of this Regulation, any native student who may have been educated or have received instruction at one of the public institutions under this Presidency, and who shall have received a certificate of adequate proficiency in the laws and regulations, and of good character, from the superintending committee of any to the public colleges supported by Government, according to the form C. in the Appendix to this Regulation, shall, on making application to any of the Courts above mentioned, be entitled to receive a Sunnud of appointment to practise as a Vakeel in the zillah or city court to which the application may be made, unless the number of Vakeels already attached to such court (including those allotted to the Courts of the Register and Sudder Ameens in pursuance of Section XVI. Regulation XXVII. 1814) shall render the immediate admission of any additional Vakeel or Vakeels highly inconvenient and objectionable, in which case the admission of the person so applying may be postponed by order of the Judge of the court, so long as shall appear necessary. Provided always, that every person, previously to his being admitted to practise as a Vakeel, shall take and subscribe before the said Court, the oath, or solemn declaration

Unless strong objections exist to his admission.

Proviso.

claration in lieu thereof, required by Clause I. Section V. Regulation XXVII. 1814, and shall be held liable for misconduct to be deprived of the Sunnud granted to him by the Court, and to all the penalties to which the Vakeels of the courts of justice are declared subject, by the Regulations which have been, or may be enacted.

Appendix, (A.)

Certificate of a Hindoo or Mahomedan Law Officer.

(Seal of the Committee.)

We hereby certify, that at an examination held at the Presidency of Fort William, on the
by the Committee appointed under the provisions of Regulation XI. 1826. A. B. was found and declared to be qualified, by his eminent knowledge of the Hindoo (or Mahomedan) Law, to hold the office of Hindoo (or Mahomedan) Law Officer, in any of the established Courts of Judicature.

(To be signed by the President, and not less than two members of the Committee of Examination.)

This Certificate has been granted to the said A. B. under the seal of the Committee this day of in the year corresponding with the Mahomedan (or Hindoo) date.

C. D.
Secretary to the Committee.

Appendix, (B.)

Form of Certificate of a Hindoo (or Mahomedan) Law Officer when examined at a special examination.

(Seal of the Committee.)

We hereby certify, that the Committee of Examination at the Presidency of Fort William, having duly considered the proceedings held on the Examination of A. B. conducted under the provisions of Clause III. Section V. Regulation XI. 1826, do consider the said A. B. to be duly qualified, by his knowledge of Hindoo (or Mahomedan) Law, to hold the Office of Hindoo (or Mahomedan) Law Officer in any of the established Courts of Judicature.

(To be signed by the President, and not less than two members of the Committee of Examination.)

This Certificate has been granted to the said A. B. under the seal of the Committee, this day of in the year corresponding with (the Mahomedan or Hindoo date to be here inserted).

C. D.
Secretary to the Committee.

Appendix, (C.)

Certificate of a Student in any of the Colleges established or supported by Government, who may be declared qualified to be admitted as a Vakeel in any of the Zillah or City Courts.

(Seal of the College.)

We hereby certify, that at an examination of the Students in the (Hindoo or Mahomedan) College at held on the A. B. was found qualified, by his proficiency in the Hindoo (or Mahomedan) Law, and in the Regulations of the British Government, to discharge the duties of Pleader in any of the Zillah or City Courts.

We further certify, that the said A. B. is reported by the Officers of the College to be of good character, and to have conducted himself with propriety during the time he has been attached to the College.

(To be signed by the Examiners.)

This Certificate has been granted to the said A. B. under the seal of the College, this day of in the year corresponding with (the Mahomedan or Hindoo date.)

C. D.
Secretary to the College.

A. D. 1826. REGULATION XII.

A REGULATION for raising and levying Stamp Duties within the Town of Calcutta:—Passed by the Vice President in Council on the 14th December 1826, corresponding with the 30th Aughun 1233 Bengal era; the 30th Aughun 1234 Fusly; the 1st Poose 1234 Willaity; the 15th Aughun 1883 Sumbut; and the 13th Jumadee-ul-uwal 1242 Higeree.

Preamble.

WHEREAS Stamp Duties have long been raised, levied, and paid within the provinces subordinate to this Presidency: and whereas it appears expedient, with a view to the improvement of the revenue derived from the said duties, and is otherwise just and proper, that a similar tax should be levied and paid within the town of Calcutta; the Vice-President in Council, under the powers vested in him by virtue of the XCVIII. and XCIX. Sections, of the Act 53 George III. Cap. CLV. and with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following Rules to be in force within the said town of Calcutta, from and after the 1st day of May next ensuing.

Stamp Duties to be levied and paid within the city of Calcutta.

II. A Stamp Duty shall be levied, raised and paid within the precincts of the city of Calcutta, upon the deeds, instruments, and writings, and according to the rates specified in the Schedule annexed to this Regulation, from and after the date specified in the Preamble of this Regulation, and no instrument, deed, or writing of the descriptions specified in the said Schedule (saving of course what may be therein declared to be exempted) shall be written or printed on any vellum, parchment, paper, tar-leaf or other material applicable to such purpose, except the same shall have been duly stamped according to the rules of this Regulation.

The collection of the duty to be under the control of the Board of Revenue, or other Commission appointed by Government.

III. The duty hereby directed to be levied, raised and paid in Calcutta, shall be under the care and management of the Board of Revenue at the Presidency, or of such other commissioner or commissioners as the Governor General in Council may from time to time appoint; and on notice of such appointment being given in the Government Gazette, the Commissioner or Commissioners shall possess and exercise all the powers and authorities relative to Stamps vested in the Board of Revenue by this or any other Regulation which may hereafter be enacted.

Stamp Office to be established under charge of Superintendent of Stamps.

IV. A Stamp Office, at which stamps of the several descriptions provided for by this Regulation shall be prepared and kept in store, shall be established at such house, building or place within the city of Calcutta as the Governor General in Council may deem suitable for the purpose, and the same shall be under the charge of an officer to be denominated Superintendent of Stamps in Calcutta, who shall, in all matters connected with the execution and due enforcement of this Regulation, be subject to the orders of the Board of Revenue. The Superintendent shall keep an exact account of all Stamps impressed or manufactured by the Government officers, as well as of all issues from the depôt, and of the quantity of stamped paper, vellum or parchment of each description remaining in store: he shall likewise prepare and submit to the Board of Revenue, such periodical reports and statements as may be required by that authority.

Duties of Superintendent.

Stamps how to be impressed and where.

V. *First.*—For every sum charged, or purported to be charged as stamp duty on any vellum, parchment, paper or other material, two stamps shall be impressed on such material, each of which shall specify in the English, Persian, and Bengallee character, the amount of the sum charged—one of the said stamps shall be affixed at the Stamp Office, and shall bear, besides the value as above, the words "Stamp Office," in the English character, with any further device or legend which the Board of Revenue may see fit to direct. The other impression shall be a counter-stamp, to be impressed at the General Treasury, bearing similarly along with the amount of duty levied, the words "General Treasury," in English. No stamped paper shall be used for any purpose, for which the same may be required by this Regulation, except such as may bear both impressions as above directed, together with the signature of the vender, distributor, or other authorized person, as hereinafter prescribed.

Board of Revenue to cause proper Stamps to be provided.

Second.—It shall be the duty of the Board of Revenue, or other authority exercising the power of that Board, to provide or cause to be provided proper and sufficient

sufficient stamps, or dies for expressing and denoting the several duties and rates specified in the Schedule annexed to this Regulation; and it shall be competent to the Board of Revenue, or other authority aforesaid, if they shall judge it expedient, to direct the employment of two or more stamps, to denote the amount chargeable on any single piece of vellum, parchment, paper or other material; provided, however, that the stamps impressed at the Stamp Office of the Superintendent of Stamps, or other place appointed in lieu of it, shall always correspond in number and value with the counter-stamps impressed at the General Treasury, and that all dies shall, besides the words denoting their value, contain the following words, that is to say, those used at the office of the Superintendent of Stamps, or other place aforesaid, shall contain the words *Stamp Office*, and the counter-stamp impressed at the General Treasury, shall similarly contain the words *General Treasury*.

Board of Revenue to alter the dies from time to time.

Third.—The said Board, or other authority, shall have the power of at any time changing or altering such dies, and of regulating the size, shape, manner and matter of the impressions at discretion, provided that the stamp to be affixed at the Stamp Office do always contain in plain and legible characters the legend prescribed for it in the preceding clause, and that the counter-stamp of the Treasury do similarly contain its legend: provided also, that the Board of Revenue, or other authority aforesaid, shall, in the exercise of the powers and functions vested in them by this Regulation, be guided by such special directions as they may receive from the Governor General in Council in the manner heretofore used in all matters and things belonging to the management of the public revenue.

Collector of Stamp Duties in Calcutta how to be appointed

VI. *First.*—An officer, being a civil servant of the Honourable Company, shall be especially appointed by the Governor General in Council, to take charge of the collection of the Stamp duty within the city of Calcutta; such officer shall provide for the sale and distribution of the Stamps, being answerable to Government for the amount of duty chargeable upon each and every paper, vellum or parchment received by him for distribution. The Collector of the Calcutta Stamp Duty shall receive such salary or other remuneration as may be appointed by the Goveror General in Council. He shall, in all things connected with the collection of this duty, be subject to the orders of the Board of Revenue, and shall keep such accounts and in such forms as may be prescribed by that authority.

Collector to be subject to the Orders of the Board of Revenue.

Collector's Office where to be held.

Second.—The Collector of the Stamp Duty shall hold his office, either in the same house with the Stamp Office, or as near to that office as may be practicable. He shall, at all times, be supplied with Stamps upon indent by the Superintendent, to whom he shall grant receipts in duplicate.

Venders and distributors of Stamps how to be appointed.

Third.—It shall be the special duty of the Collector of Stamps to select proper persons resident in different parts of the town, for the purpose of vending and distributing Stamps on the part of Government. The appointment and removal of such venders shall be ordinarily made at his recommendation, by the authority of the Board of Revenue. Provided, however, that nothing herein contained shall be construed to preclude the Board of Revenue, or the Governor General in Council, from causing licenses to be granted without any recommendation from the Collector, whenever they shall see fit to issue to him directions to that effect, under the general powers exercised by the Board and by Government over all subordinate officers employed in the management or collection of the public revenue.

Venders to be furnished with licenses.

Fourth.—Every vender shall be furnished with a license under the seal and signature of the Collector; and the appointment of any one to this duty, as well as the withdrawing of any one's license or other discontinuance of his authority to vend, by resignation, death and the like, shall be notified in the Government Gazette, for general information.

No person shall publicly sell Stamps without license or special authority from the Board of Revenue.

Penalty for breach of this Rule.

Fifth.—No person, not licensed after the manner provided in the preceding Clause of this Section, (unless he should be otherwise specially authorized by the Board of Revenue,) shall be competent to expose stamped paper, parchment, or other material publicly to sale; and any one offending in this respect, shall forfeit to Government, for the first offence, the sum of Sicca Rupees five hundred, and for the second, or any subsequent offence, the sum of one thousand Sicca Rupees. But nothing herein contained shall be deemed to prevent persons having duly purchased stamped paper from the authorized venders of Government, or having otherwise obtained such paper from the Stamp Office, after the manner hereinafter provided, from transferring the same

But persons purchasing Stamped Paper may transfer the same.

Under what conditions.

to others at a price equal to the amount of duty denominated by the stamp or stamps impressed thereon: provided however that every person, who may so transfer stamped paper, shall endorse the same with his signature, in the presence of one or more creditable persons, and the proof that the paper was purchased as aforesaid shall lie on with the person so transferring it. Provided also, that if any individual shall sell or buy any stamped paper, or other material bearing or purporting to bear the Government Stamp, for a less price than the amount of the duty denominated by the stamp or stamps thereon impressed, he shall forfeit for each and every piece of paper, or other material so bought or sold by him, the sum of fifty Rupees.

Penalty for purchase or sale of Stamped Paper at a value less than the amount of the duty impressed on the same.

Individuals how to get a supply of Stamped Paper from the Stamp Office.

VII. *First.*—For the convenience of merchants and others, who may be desirous of having at all times in their possession papers, parchments, or the like, stamped with various impressions, to be used as occasion may require, in the drawing up of instruments of any of the descriptions required to be executed on materials impressed with the Government Stamps; it is hereby provided, that any person desirous of obtaining a supply of stamped paper or other material, shall on application to the Collector of Stamps, and the payment into his treasury of the amount chargeable on account of the Stamps required, receive a certificate from the Collector, stating the amount paid, and the number and the value of the Stamps required; and on the production of that certificate, together with the necessary quantity of plain paper, parchment or other material, the Superintendent shall cause the same to be immediately stamped at his office, with the Stamps specified in the said document, and shall transmit the said papers, parchments, or other materials to the general Treasury, to be there impressed with the necessary counter-stamps. Provided, however, that no person shall be entitled to require the Collector to grant a certificate in the manner above stated, unless the total value of the Stamps for which he may tender payment shall amount to the sum of one hundred Rupees. And the number of pieces of paper, vellum, or other material required to be stamped, shall not be less than twenty.

The Superintendent not to Stamp any Paper, or the like, on account of any individual, without first requiring the receipt of Collector for the amount.

Second.—No paper, vellum, parchment, or other material, shall on any account, be received by the Superintendent of Stamps, to be stamped on account of any individual, unless the same be accompanied with a receipt in full, under the signature of the Collector of Stamps, for the entire amount of duty which may be required to be impressed thereon, or unless the same be sent him to be stamped, by authority of the Board of Revenue, under the powers vested in that Board by this Regulation. The receipt of the Collector shall, in all cases, specify, as well the aggregate amount paid, as the number and description of the stamps required, and the exact number of sheets or pieces on which the same are to be impressed. All such receipts shall be disposed of by the Superintendent in such manner as the Board of Revenue may prescribe.

Forms to be observed on the issue of Stamps under the above clauses.

Third.—The Superintendent of Stamps shall appoint one or more officer or officers of his establishment to receive and compare with the Collector's receipt all papers or the like brought to be stamped as above, and after the stamps shall have been affixed, the same officer shall again count the whole and sign his name at the back of each separate sheet, or piece of paper, or other material; and he shall likewise note on each the date on which the said paper is ready for re-delivery, and further make an entry to that effect, with specification of the quantity of paper or the like impressed with each description of stamp, in a book to be specially kept by him for that purpose. When the paper or other article shall be prepared in the manner above described, it shall be made up into a parcel to be sealed with the superintendent's seal, and shall in that state be forthwith transmitted to the person who may have sent it to be stamped, or at the superintendent's option notice shall be sent of its being ready for delivery when called for.

In what case a discount may be allowed by Collector.

At what rate.

How to be brought to account.

Fourth.—Whenever any person or persons shall desire to send paper or other material to the Stamp Office, for the purpose of being stamped, and shall consequently pay the amount of duty in advance in the manner above required, it shall be competent to the Collector of Stamps, in case the total amount so falling to be paid shall exceed the sum of five hundred Rupees in any one payment, to allow to the party making such payment a discount at the rate of four per cent. upon the aggregate amount of duty leviable, or such other rate as may from time to time be appointed by the Governor General in Council, by notification in the Government Gazette, and the amount of such discount shall be charged and entered on the Collector's accounts, under the head of disbursements.

Fifth.—

Fifth.—It shall also be competent to the Board of Revenue to direct and cause stamps to be furnished in the manner and on the terms prescribed in this Section to any licensed venders, who may be willing to purchase the same; all such persons however, shall, in the sale of stamped paper so furnished to them, be subject to the same rules as are prescribed for the sale of stamps supplied to them on account of Government. Provided, however, that if such vender shall resign or be dismissed, or his license be otherwise cancelled, then and in that case he, his representative or assign shall deliver up to the Collector of Stamps, or to such person as he may appoint to receive the stamped paper, vellum or the like, furnished to him under the provisions of this Section, or such portion as may not have been disposed of, and shall be entitled to recover a sum equivalent to the price which he may have advanced for the same, viz. the specified amount of the stamped paper or other material aforesaid, with a deduction of the discount that may have been allowed on it.

Licensed venders may purchase Stamps under what conditions.

VIII. *First.*—If any superintendent or other officer shall fix or impress, or cause to be fixed or impressed, any stamp to or upon any vellum, parchment, paper or other material which shall be brought to the Stamp Office to be stamped or marked, without a regular certificate from the Collector of the amount of duty having been paid, or without special authority in writing from the Board of Revenue, he shall for every such offence forfeit the sum of one thousand Rupees. In like manner, if any collector, or other officer appointed to receive the stamp duty, shall grant a certificate of the above description, before the prescribed duty with a deduction of the authorized discount shall have been actually paid, such officer shall forfeit for every such offence the sum of one thousand Rupees, besides being held responsible for the amount of duty unrealized.

Penalty on Superintendent for stamping paper, or the like, on account of individuals without Certificate from Collector.

Or other sufficient authority.

Penalty on Collector for granting Certificate before duty is paid.

Second.—Any native officer or other person causing or procuring any stamp to be fixed or impressed, or any certificate to be granted in the irregular manner aforesaid, or conniving with the officer so fixing or impressing any stamp, or so granting a certificate, shall forfeit for every such offence the sum of one thousand Rupees, and shall in addition be held answerable for the amount of duty chargeable on the paper mentioned in the certificate.

Penalty on Native Officer or other person causing or procuring Stamp to be impressed, or Certificate granted irregularly.

IX. *First.*—The following Rules are enacted for the control and superintendence of the venders and distributors authorized to be appointed by Section VI. of this Regulation.

Rules for Venders and Distributors.

Second.—Every person who may be appointed to be a vender or distributor of stamps on the part of Government, shall attend the Board in person, and execute a bond, with one or more responsible sureties, for the faithful performance of the several duties prescribed for such venders and distributors in this or any future Regulations, with such penalty and after such form as may be required by the said Board; and any failure in fulfilling the conditions of such bond, shall, besides the penalty thereby provided, subject the offender to immediate dismission from the said office of vender or distributor, by the Board of Revenue.

Venders and Distributors to give security for the due discharge of their duty.

Third.—The following Rules shall be observed by all venders and distributors of stamps, and the bonds executed by those persons on their appointment shall distinctly bind them to a strict observance of those Rules, subject in case of failure to the several penalties hereinafter specified. Provided, however, that it shall also be competent to the Board of Revenue to require the venders and distributors of stamps to come under such further engagements as may appear necessary, and as may be legally required from them.

Rules to be observed by them.

Board may require further engagements.

Fourth.—All persons licensed to vend or distribute stamps shall at all times have their respective licenses, together with a copy of the Schedule annexed to this Regulation duly authenticated by the official signature of the Collector of Stamps, stuck up in a conspicuous place within the shop or building in which they may sell the stamps, and shall further hang up on the outer door of such shop or other building such notification of their being licensed as the Board of Revenue may direct. Any neglect or failure to observe the above rule, will subject the party offending to a fine of Sicca Rupees fifty.

Licences and Schedule of Stamp Duties to be stuck up in vender's shops.

Fifth.—All persons as aforesaid shall keep such accounts of the paper received and delivered by them as the Board of Revenue may direct, and shall furnish the Collector with such copies or extracts of those accounts, and at such periods, as he may from time to time require. The said persons shall regularly pay to the Col-

Accounts to be kept by Venders, and produced to Collector when required.

Money received by Venders to be regularly accounted for.

Accounts and Stamps to be produced for inspection when required.

lector all money or monies received by them on the sale of stamps intrusted to them on the account of Government, at such periods as the said officer may appoint, and shall likewise at all times when required permit the Collector, or other person duly authorized by him, to inspect the accounts kept by them, and to examine the store of stamped paper, or the like, which they may have in their possession.

Penalty for breach of above Rules.

Sixth.—Any vender or distributor failing to produce before the Collector of the Stamp duty any of the accounts required by the Board of Revenue, to be kept by him, after requisition made in writing by that officer, and failing to account for such omission to the satisfaction of the Board of Revenue, or other authority exercising the powers of that Board, shall forfeit the sum of fifty Rupees, and shall further pay such daily fine for every day beyond the date fixed in such requisition for the production thereof, until the day when the accounts may be produced, as the Board of Revenue may direct. Any vender or distributor refusing to permit the Collector of Stamps, or other person duly authorized by a writing under the seal and signature of that officer, to inspect the said accounts and examine the store of stamped paper at the time in the custody of such vender or distributor immediately upon demand, shall forfeit for every such refusal the sum of one hundred Sicca Rupees, and shall further be subject to such daily fine, until he complies with the Collector's requisition, as the Board of Revenue may direct.

Venders to realize duty before delivering Stamp.

Seventh.—No vender or distributor of stamps shall deliver any stamped paper or the like without having previously received the full amount of the duty denominated by the stamp thereunto affixed; save and except in cases in which he may be otherwise specially permitted or directed by the Collector or Board of Revenue.

Penalty for delivery of Stamps without receipt of full duty.

Eighth.—Any vender or distributor who may, without authority, permission or direction in writing from the Collector or Board of Revenue, sell, give out or deliver stamped paper, vellum, parchment or the like, without having received the entire amount of duty denominated by the stamp affixed thereto, shall forfeit for each and every piece of paper, or other material aforesaid so given out or delivered by him, the sum of fifty Rupees, besides being held responsible for the amount, which should have been taken in case of its not being afterwards recovered. Any

Penalty for receiver in such case.

person taking or receiving stamped paper from any such vender, without having paid the entire amount of duty as aforesaid, shall forfeit the like sum of fifty Rupees for each and every piece of paper, &c. received or taken by him.

Venders to endorse the date of sale, and delivery of Stamps sold by them.

Ninth.—All venders and distributors of stamps shall carefully write on the back of each sheet, or piece of stamped paper or the like, sold or delivered by them, the date of sale and delivery, and shall attest each endorsement with his signature written in the manner commonly used by him.

Penalty for neglect.

Tenth.—Any vender or distributor giving out or delivering any stamped paper, or the like, without writing at the back of each sheet or piece his name and the date of sale, and delivery as aforesaid, shall forfeit for each and every piece of paper so given out or delivered by him the sum of fifty Rupees, provided the value of the paper sold do not exceed the sum of sixteen rupees; but if the value of the paper so sold without signature exceed the sum of sixteen rupees, then the vender shall for every offence so committed forfeit a sum equal to three times the value of the paper so illegally sold by him.

Penalty for falsification of date.

Eleventh.—Any vender or distributor writing a false date at the back of paper, vellum, or parchment given out by him, shall forfeit the sum of one hundred Rupees for every such offence, or if the value of the stamp sold exceed sixteen Rupees, then he shall forfeit six times the value of such stamped paper, besides being in both cases liable to the penalty of his bond in case of any breach of its stipulations.

Penalty for refusal or wilful delay, to deliver Stamps.

Twelfth.—All venders and distributors of stamps shall comply with all applications made to them for the purchase of stamped paper or the like, with as little delay as possible. Any vender or distributor, being applied to for stamped paper or the like, and having in his possession the description of paper required, shall, in case of refusal or wilful delay to furnish the same to the person applying for it, and tendering the value in coin of the established currency, or in notes authorized by Government to be received in payment of the public revenue, forfeit for every such offence the sum of fifty Rupees.

Penalty for exaction of price, or consideration, in excess of the duty.

Thirteenth.—No vender or distributor of stamps shall, on any plea or pretext whatsoever, take or demand a higher price for the stamps delivered by him, than

the

the sum denoted by the stamp or stamps impressed on the paper, parchment, or the like, so delivered; or any fee, reward, or consideration for furnishing stamps to persons applying for them: and any vender or distributor who, upon furnishing stamped paper, parchment, vellum, or any other article bearing a stamp, to any individual for use, shall, as a consideration for furnishing the article, or on any other pretext, take or demand as the equivalent of the article so furnished, a higher price than the amount that may be denoted by the impression of the stamp or stamps upon such paper, parchment, vellum, or the like, shall forfeit for every such offence the sum of Sicca Rupees one hundred.

Collectors may require collateral security from venders.

Fourteenth.—It shall be competent to the Collector of Stamps, to demand, for his personal satisfaction, such collateral security, in addition to the said bond, as he may deem necessary, to guard against loss from the misappropriation of the stamps delivered to the venders or distributors, or the embezzlement of the money realized by them, and to require the same to be renewed or other security to be furnished at any time that he may deem the same expedient, and any one unable or refusing to give such security when required, shall not be appointed, or if already appointed, shall be liable to have his license immediately withdrawn.

On removal or resignation of vender, money, paper and writings to be delivered to Collector.

Fifteenth.—When the license of any vender or distributor may be withdrawn, or when such vender or distributor shall resign the office, all stamped paper, or other article remaining in store at the time of such removal or resignation, and all accounts regarding the sale and distribution of stamped paper, or the like, at any time delivered to him, together with the balance of all money or monies, which may have been realized by the sale and distribution thereof up to the date of the said removal or resignation, and which may not have been already paid or accounted for to the Collector of Stamp duty, and likewise all licenses, orders, or other documents or writings, which the said vender or distributor may have received from that officer, shall be forthwith delivered over to the said Collector, or to such person or persons as he may appoint by a writing, under his hand and seal, to take charge thereof, receiving for such part of the stamp paper or the like as may have been furnished to him, under the provisions of Section VII. of this Regulation, the amount actually paid by him for the same as therein directed. In case any vender or distributor so removed or resigning shall refuse or fail to make over the said accounts and stores, and the balance of the accounts in cash or any part thereof, he shall forfeit for such failure or refusal a sum equal to triple the amount and value of the stamps and money which may appear, from the accounts kept at the Collector's Office, to be in the possession of such vender or distributor, together with such daily fine, until the papers, accounts and documents required are furnished, as the Board or other authority aforesaid may direct.

Course to be followed on death of vender.

Sixteenth.—In case of the death of any vender or distributor, the Collector of the Stamp duty shall in like manner be empowered to demand, from the heir or person administering to the estate of the deceased, or other person in charge of his effects, the remainder of any store of stamped paper, vellum, parchment, or the like, in the possession of such vender or distributor at the time of his decease, together with all accounts of the sale or distribution thereof, as well as all licenses, orders, or other documents or writings as aforesaid, that may be forthcoming amongst the effects of the deceased; and in the event of any refusal on the part of the heir, administrator or other person in charge of the effects of the deceased, to deliver the same, or of refusal to allow search to be made whenever the Collector of the Stamp duty may demand to make search for the said stores or accounts, such heir or administrator, or other person in charge of the estate, shall forfeit for every such offence the sum of fifty Rupees, and shall further be subject to such daily fine, until the papers, accounts, documents, and writings required are furnished, as the Board of Revenue may direct.

Cases in which sureties may be called on.

Seventeenth.—Provided also, that it shall be competent to the Collector, in the cases specified in the two preceding Clauses, as well as in all cases in which a vender or distributor may fail or delay to account for, and make good the value of any stamped paper, or the like, with which he may have been furnished for sale on account of Government, immediately to call upon the surety or sureties of the said vender or distributor, to make good the deficiency of money or paper, and on their failure to do so, to proceed against all, or any of them for the recovery of the amount.

 Eighteenth.—

Venders to verify their accounts by oath or affirmation.

Eighteenth.—All persons appointed by the Board of Revenue to be venders or distributors of stamps shall verify by affidavit, or affirmation, their respective accounts, whenever they may be required by the Board to do so; and if any vender or distributor shall refuse, or neglect to verify his accounts within such reasonable time as he shall be called upon so to do by the said Board, or any member thereof, he shall for every offence forfeit the sum of five hundred Rupees.

Stamps accidentally destroyed, how to be replaced.

X. *First.*—Should it so happen that any parcel of papers, parchments, vellums, or the like, or any single sheet, or piece thereof that may have been duly stamped, and obtained from a licensed vender of the stamps direct, or from the Stamp Office, under the rule contained in Section VII. of this Regulation, shall have been destroyed by fire or other accident, it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, upon its being proved to the satisfaction of that authority that the said stamps were duly received, and subsequently were destroyed by accident, after the manner asserted, to cause their secretary to grant to the owner of the paper, or other material destroyed, a certificate under his signature, and the seal of the Board, specifying the number and value of the stamps so destroyed, and the said owner shall, upon carrying the said certificate to the Stamp Office, together with such quantity of paper, vellum, or the like, as may be sufficient for the purpose, be entitled, without any fee, charge, or duty whatsoever, to have the paper, vellum, parchment, or the like, so carried to the Stamp Office, stamped or marked for such duties as may be specified in the said certificate; and the Superintendent of Stamps is hereby enjoined to cause the same to be stamped and delivered in the same manner as if the paper or other material were accompanied with a certificate of the duty having been paid under the hand and seal of the Collector of the Stamp duty; provided, however, that a separate account shall be kept of all stamps impressed, or affixed by warrant of such certificate.

Also soiled or spoiled Stamps.

Second.—In like manner, in case any stamped paper, parchment, vellum, or the like, after having obtained in the regular manner, shall have become soiled, spoiled, or unfit for use, either by consequence of any accident happening to the same, or because of error in the drawing up, or copying of any instrument thereupon, which being discovered before such instrument may be finally signed and executed, shall render the writing of no avail; or in which, by reason of the death, or refusal of the party or parties, whose signature may be necessary to effect the transaction intended by such writing, it should be incomplete and of no avail; or in which, by the refusal of any office, or trust that may be granted by such instrument, it shall fail of the purpose intended; or in the case of promissory notes, bills of exchange, or the like, if by non-delivery to the payee, or person acting on his behalf, or other cause, they shall never be brought to use. In all such cases, it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, upon delivery being made of the stamped paper, parchment, vellum, or the like, so soiled or spoiled, to cause certificate to be granted after the manner provided, in order that the owner of the article or articles so soiled or spoiled, may have the like, or equivalent stamps, impressed upon other materials to be furnished by him for that purpose. But this rule shall not extend to bills of exchange drawn in sets, of which any one of the set may have been delivered to the payee.

Restriction of above provision to cases in which the Stamps destroyed or spoiled, shall amount to or exceed ten Rupees.

Limitation as to the time, within which application is to be made.

Third.—Provided, however, that no such certificate shall be granted by authority of the Board of Revenue, except the total value of stamps proved to have been destroyed or soiled by accident, or the total value of every single stamp in the case of the material having been spoiled by being written upon, shall amount to or exceed the sum of ten Sicca Rupees. Provided likewise, that no such certificate shall be granted, except after proof exhibited that the accident or act, by reason of which the material have become soiled, or spoiled, or destroyed, or useless, occurred within the period of three calendar months of the date on which application may be made for the certificate. No exception shall be taken to any deed, or instrument, on the ground that the stamp which may have been used is not of a proper denomination or rate of duty, provided the same bear an equal or greater value in the whole than the stamp which ought regularly to have been used.

Penalty for employing paper, &c. not bearing prescribed stamp.

XI. *First.*—If any person or persons shall, after the date specified in the preamble of this Regulation, write or engross, or cause to be written or engrossed on any vellum, parchment, paper, or other material, any of the matters or things on account of which such material would be chargeable with stamp duty, under the rules

rules of this or any other Regulation in force, before the said material shall have been duly stamped; or if any person shall, after the said date, in any manner make, sign, or execute, or accept, or negociate, any deed or instrument chargeable with a stamp duty, that may not have been executed on paper, or other material duly stamped, such person or persons shall forfeit for every such offence a sum equivalent to twenty times the value of the stamp paper which ought have been used.

Holders of instruments written on unstamped paper, on what condition to get them stamped.

Second.—Provided, however, that if any person or persons writing or engrossing, or causing to be written or engrossed, any matter or thing chargeable with a stamp duty, upon unstamped paper, vellum, parchment, or the like, or any person or persons accepting or becoming possessed of any deed, instrument, or writing, so written on unstamped paper, or desirous of negociating or benefiting thereby, shall voluntarily carry the same to the Collector of Stamps, and shall pay to that officer the entire amount of duty chargeable thereupon, together with the amount hereinafter provided, the Collector shall transmit the deed, instrument, or writing, to the Superintendent of the Stamp Office, for the purpose of being duly stamped, and the person aforesaid shall not be liable to the penalty declared in the preceding Clause; that is to say, if the deed or instrument originally executed on unstamped paper shall be brought to be stamped in the manner above mentioned, at any time before the money conditioned or directed to be paid, or the act conditioned to be done shall be due, but not later than thirty days from the date of the execution of the deed, instrument, or writing, or (in the case of deeds, instruments, or writings, not conditioning the payment of money, or the performance of any contract within a specific period) at any time within thirty days of the execution of the deed, instrument or writing, the party shall pay a sum equal to five times the value of the stamped paper which ought to have been used: if the deed or instrument aforesaid shall not be brought in the manner above mentioned, within the period above specified, the party bringing it shall pay a sum equal to ten times the value of the stamped paper which ought to have been used.

If within thirty days.

If after thirty days.

Penalty in case of the employment of Paper &c. stamped with too low a stamp.

Third.—In case any deed or instrument shall have been executed on paper, parchment, vellum or other material stamped for a rate or amount of duty less than what may be the rate or amount chargeable on account of the matter or thing that may have been engrossed or written thereupon, the like penalties shall attach as have been provided by the preceding rules of this Section; that is to say, a sum equal to twenty times the excess of the proper stamp above the value of that which may have been used shall be forfeited, if the error of the stamp be discovered otherwise than by the voluntary production of the party or parties concerned; and a sum equal to five or ten times the said excess, if the party shall voluntarily bring such deed to have the proper stamp affixed within the periods above stated respectively.

Provision for case of accident or inadvertence.

Fourth.—Provided however, and it is hereby enacted, that in case any deed or instrument, chargeable with a stamp duty, shall have been executed on unstamped paper or other unstamped material, or on any material bearing a stamp of an amount, not equal to the duty chargeable upon such deed or instrument, then if the person executing such deed, or any other party interested, shall establish to the satisfaction of the Board of Revenue, or other authority exercising the powers of that Board, that the irregular execution of the deed or instrument was owing to accident, or inadvertence, or to other unavoidable cause, it shall be competent to the above-mentioned authority, in case they should think proper to do so, to remit part, or the whole of the penalties above enacted, and to cause a proper stamp to be affixed to such unstamped or improperly stamped instrument, on the payment of the actual amount of the duty chargeable thereupon.

Provision for the case of instruments being written on paper, &c. with a forged stamp.

Fifth.—Provided further, that if the stamp or stamps affixed to any instrument, deed or the like, be detected to be forged or counterfeit, the full penalty of twenty times the value of the stamp on which the same should have been written, shall, in all cases, be exacted, in addition to the entire amount of duty chargeable for such deed, before the same shall be impressed with the genuine stamps of Government, unless the material on which the same may be executed shall bear the endorsement required by Section VII. or Section IX. of this Regulation, as the case may be, and unless the party having executed, or being at the time in possession of such deed, shall be able to prove to the satisfaction of the Board of Revenue, or other authority exercising the powers of that Board, that the material stamped with a forged stamp

was purchased or obtained on the date specified on the back of it, and from the individual whose name may be there signed. If the required matter shall be duly endorsed on the back of any material stamped with a forged impression and the proof adduced to the fact and date of purchase be deemed by the Board of Revenue to be sufficient, the regular and genuine stamps shall be caused to be affixed on payment of one half the established duty chargeable on account of the matter of the instrument or deed in question, and certificate to that effect shall be given by the Board of Revenue.

Penalty for filing or recording instruments not bearing the prescribed stamps.

XII. *First.*—Any person or persons filing, exhibiting, recording, or causing or procuring to be filed, exhibited or recorded, for the purposes of proof, information, registry, or for any purpose or manner whatsoever, in any court of justice or other public office, any deed, instrument, or other writing required to be written on stamped paper, which may not be written on the prescribed stamped paper, whether the said person or persons be himself the party interested in the case or matter, on account of which such deed, instrument or writing may be filed, exhibited or recorded, or be the attorney or agent of such party, shall forfeit to Government a sum equal to twenty times the value of the stamped paper on which such deed, instrument, petition, pleading or document ought to have been written.

Penalty for filing papers, &c. not duly endorsed by a vender or distributor of Stamps.

Second.—If any deed, instrument or other writing required to be written on stamped paper, and written on the prescribed stamped paper, shall be filed, exhibited or recorded in any court of judicature, or in any public office, not having the signature of a licensed stamp vender, or other person duly authorized to sell or distribute stamps, endorsed upon it, the person or persons filing, exhibiting or recording the said deed, instrument or writing, or causing or procuring it to be filed, exhibited or recorded, shall forfeit a sum equal to five times the value of the said stamped paper.

Penalty for filing an instrument or the like bearing a forged Stamp.

If without due endorsement.

Third.—If any deed, instrument, petition or document, shall be filed, exhibited or recorded as aforesaid, having a forged or counterfeit stamp or signature, the person filing, exhibiting or recording such deed, instrument or document, or causing or procuring it to be filed, exhibited or recorded, shall forfeit to Government a sum equal to twenty times the value of the stamp which ought to have been used, unless the material on which the same may be executed shall bear the endorsement required by Section VII. or Section IX. of this Regulation, as the case may be, and the party shall be able to show that the material stamped with a forged stamp was purchased or obtained on the date specified on the back, and from the individual whose name may be there signed. If the required signature and date shall be duly endorsed on the back of the material stamped as aforesaid, with a forged impression, and the proof adduced to the fact and date of purchase be deemed by the officer before, or in whose office the writing may be filed, exhibited or recorded to be sufficient, the said officer shall transmit the document to the Collector of Stamps, with a communication of his judgment in the case, and the Collector shall, on payment by the party of one-half the established duty chargeable on account of the matter of the instrument or deed in question, forward it to the Superintendent of Stamps, in order that it may be duly stamped.

Course to be followed if paper bearing a forged Stamp be duly endorsed.

Persons discovering forged Stamps in their possession how to proceed.

XIII. If any person shall discover that any deed, instrument, or document in his possession is written on paper, or other material bearing a forged or counterfeit signature or stamp, such paper, or other material bearing the signature and date required by Section VII. or IX. of this Regulation, as the case may be, and shall state the circumstance to the Board of Revenue, or other authority exercising the powers of that Board, the said person shall, on proving to the satisfaction of that Board, or other authority aforesaid, that the paper or other material in question was purchased or obtained on the date specified on the back, and from the individual whose name may be there signed, be entitled to have the said paper or material duly stamped without any fee or charge.

No exception on account of over value.

XIV. No exception shall be taken to any deed, instrument, or other writing, on the ground that the stamp which may have been used is not of a proper denomination, or rate of duty, provided the stamp or stamps used equal or exceed in value the stamp or stamps which, under the provisions of this Regulation, ought to have been used.

Board of Revenue, Superintendent of Stamps, and Collector authorized to administer oaths.

XV. It shall and may be lawful for the Board of Revenue, the Superintendent of Stamps, and the Collector, or other officers vested with the charge of offices established for the sale and distribution of stamps, to summon witnesses, to administer

oaths

oaths and affirmations, and to take affidavits and affirmations, in all cases where he or they shall respectively think it necessary to administer or take an oath or oaths, affirmation or affirmations, in any investigation or inquiry into any case relating to the Stamp Revenue, or any matter or thing connected therewith.

SCHEDULE referred to in the Body of the Regulation, containing the Duties chargeable on Instruments of Conveyance, Contract, Obligation, and Security for Money, and on Deeds in general. Schedule.

	Sa. Rs.	A.
AGREEMENT, or any minute or memorandum of an agreement concerning any matter or thing of the value of 500 rupees or upwards, not otherwise charged in this schedule, nor expressly exempted from all stamp duty, whether the same be only evidence of a contract, or obligatory upon the party - - - - - - - - - - -	8	0
EXEMPTIONS:		
Memorandum of agreement for the hire of labour.		
Ditto for the sale of goods under the value of 500 rupees, and all agreements carried on by letter and the like, between merchants and other persons residing forty miles from each other.		
ASSIGNMENTS, if not of the nature specified under the heads of conveyances and settlement, nor specially exempted.	8	0
BILLS OF EXCHANGE, drafts, promissory notes, hoondies, teeps, burats, or other order or obligation, for the payment of money payable (if payable within the provinces subordinate to this Presidency) at sight, or at any stated period, not exceeding three months after date, or ninety days after sight, (not being a deed, instrument, or writing, bearing the attestation of one or more witnesses,) together with all bills of exchange, payable out of the said provinces at whatever date.		
If for a sum of money not exceeding - - - 25 rupees -	0	1
Above 25 rupees, and not exceeding - 50 ditto - -	0	2
Ditto 25 ditto - - ditto - - - 100 ditto - -	0	4
Ditto 100 ditto - - ditto - - - 200 ditto - -	0	8
Ditto 200 ditto - - ditto - - - 400 ditto - -	0	12
Ditto 400 ditto - - ditto - - - 800 ditto - -	1	0
Ditto 800 ditto - - ditto - - - 1,600 ditto - -	1	8
Ditto 1,600 ditto - - ditto - - - 3,000 ditto - -	2	0
Ditto 3,000 ditto - - ditto - - - 5,000 ditto - -	2	8
Ditto 5,000 ditto - - ditto - - - 10,000 ditto - -	4	0
Ditto 10,000 ditto - - ditto - - - 20,000 ditto - -	6	0
Ditto 20,000 ditto - - ditto - - - 30,000 ditto - -	8	0
Ditto 30,000 ditto - - ditto - - - 50,000 ditto - -	12	0
Ditto 50,000 ditto - - ditto - - - 100,000 ditto - -	16	0
Ditto 100,000 ditto - - - - - - - - - - - - -	20	0
Promissory notes written on paper of the above value, shall not be re-issued after payment.		
Promissory notes intended to be re-issued, shall be charged as follows:		
If for a sum of money not exceeding - - - - 25 rupees -	0	2
Above 25 rupees, and not exceeding - 50 ditto - -	0	4
Ditto 50 ditto - - ditto - - - 100 ditto - -	0	8
Ditto 100 ditto - - ditto - - - 200 ditto - -	0	12
Ditto 200 ditto - - ditto - - - 400 ditto - -	1	0
Ditto 400 ditto - - ditto - - - 800 ditto - -	1	8
Ditto 800 ditto - - ditto - - - 1,600 ditto - -	2	0
Ditto 1,600 ditto - - ditto - - - 3,000 ditto - -	2	8
Ditto 3,000 ditto - - ditto - - - 5,000 ditto - -	4	0
Ditto 5,000 ditto - - ditto - - - 10,000 ditto - -	6	0
Ditto 10,000 ditto - - ditto - - - 20,000 ditto - -	8	0
Ditto 20,000 dttto - - ditto - - - 30,000 ditto - -	12	0
Ditto 30,000 ditto - - ditto - - - 50,000 ditto - -	16	0
Ditto 50,000 ditto - - ditto - - - 100,000 ditto - -	20	0
Ditto 100,000 ditto - - ditto - - - - - - - - - -	32	0
Note:—The Governor General in Council reserves to himself the power of admitting any Bank or Company to compound for the stamp duty chargeable on the notes issued by it. Notice of such arrangements to be given in the Government Gazette.		

Schedule.

	Sa. Rs.	A.
Foreign Bills of Exchange, drawn in sets, for every bill of each set, where the sum made payable thereby may not exceed 400 rupees	0	8
More than 400 rupees, but not exceeding 800 rupees	0	12
Ditto 800 ditto ditto 1,600 ditto	1	0
Ditto 1,600 ditto ditto 3,000 ditto	1	8
Ditto 3,000 ditto ditto 5,000 ditto	2	0
Ditto 5,000 ditto ditto 10,000 ditto	2	8
Ditto 10,000 ditto ditto 20,000 ditto	4	0
Ditto 20,000 ditto ditto 30,000 ditto	6	0
Ditto 30,000 ditto ditto 50,000 ditto	8	0
Exceeding 50,000 ditto	12	0

EXEMPTIONS:

Bills of Exchange drawn and promissory notes issued by Government Officers, having authority to draw bills upon the Government Treasuries, or to issue promissory notes, or other acknowledgments on account of Government.

All drafts or orders for the payment of any sum of money on demand, drawn upon any bank, banker, or agent, residing within twenty miles of the place where such draft or order shall be issued, such place being specified on the face of the draft.

BILLS OF LADING, of or for any goods to be exported	1	0
BILLS OF SALE,		
An absolute bill of sale	See Conveyances.	
Bill of sale, as a security, being the principal or only deed whereby the property is conveyed	See Mortgage.	
Bill of sale, as a security, being merely a collateral one, with some deed or instrument that has paid the *ad valorem* duty prescribed for conveyances,	8	0
BONDS, tumusooks, promissory notes, or other obligation for the payment of money, payable at a period exceeding three months after date, or ninety days after sight.		
If for any sum not exceeding 25 rupees	0	2
Above 25 rupees, and not exceeding 50 ditto	0	4
Ditto 50 ditto ditto 100 ditto	0	8
Ditto 100 ditto ditto 200 ditto	1	0
Ditto 200 ditto ditto 300 ditto	2	0
Ditto 300 ditto ditto 500 ditto	4	0
Ditto 500 ditto ditto 1,000 ditto	6	0
Ditto 1,000 ditto ditto 2,000 ditto	10	0
Ditto 2,000 ditto ditto 3,000 ditto	16	0
Ditto 3,000 ditto ditto 5,000 ditto	20	0
Ditto 5,000 ditto ditto 10,000 ditto	32	0
Ditto 10,000 ditto ditto 20,000 ditto	40	0
Ditto 20,000 ditto ditto 30,000 ditto	50	0
Ditto 30,000 ditto ditto 50,000 ditto	64	0
Ditto 50,000 ditto ditto 75,000 ditto	70	0
Ditto 75,000 ditto ditto 100,000 ditto	80	0
Ditto 100,000 ditto ditto 150,000 ditto	100	0
Ditto 150,000 ditto ditto 200,000 ditto	120	0
Ditto 200,000 ditto	150	0
Bonds, concerning respondentia and bottomry.	Ad valorem as above.	
Bonds, given as security for the transfer of Government securities, or for the payment of an annuity, for a fixed period, or for the delivery or accounting for any matter or thing capable of being valued	Shall be charged at the rate of the amount engaged to be paid, or accounted for, or at the value of the thing to be delivered or transferred.	
Bonds, for annuities for an indefinite period, such as life annuities and the like	Shall be charged at the rate of ten times the yearly payment.	
Bonds, where the amount of the money to be secured or ultimately recovered shall be uncertain and unlimited	150	0
Where the amount is limited to a certain sum	The same as on a Bond for such limited sum.	
Bonds, taken as collateral security, with some deed or instrument that has paid the *ad valorem* duty, prescribed for conveyances or money bonds, or as security for the performance of any other contract, covenant or agreement, not being for the payment of money, the transfer of property, or the satisfaction of any pecuniary demand	8	0

	Sa. Rs.	A.	Schedule.
Bonds of Indemnity. - - - - - - - - - -	8	0	
Bonds, for the due execution of an office or work, and all other bonds not otherwise charged or exempted from duty - - - - -			

EXEMPTIONS:

Arbitration bonds.

Bonds, given to or by the officers of Government on account of any matter or thing of or belonging to the Government in its political or territorial capacity.

Security bonds, which may be taken by, or by order of any court, collector or other judicial or revenue authority, razeenamahs, sooluhnamahs and ruffanamahs, filed in any suit pending in a court of justice, shall be charged as prescribed in the regulations already in force or hereafter to be enacted.

CHARTER PARTIES, or any agreement or contract for the charter of any ship or vessel, or any memorandum, letter or other writing between the captain, master or owner of any ship or vessel, and any other person, for or relating to the freight or conveyance of any money, goods or effects on board of such ship or vessel - - - - - - -	8	0	

EXEMPTIONS:

Charter Parties of ships or vessels taken up by Government for the conveyance of troops or military stores, or for other political purposes.

CONTRACTS or DEEDS, if not otherwise charged nor exempted from duty - - - - - - - - - - - - - -	8	0	
COPARTNERSHIP, deeds of - - - - - - - - - -			
COMPOSITION, deeds, or other instruments of composition between a debtor or debtors, and his, her or their creditors - - - - -			
CONVEYANCES, whether grant, disposition, assignment, transfer, renunciation, or of any other kind or description whatsoever, upon the sale of any lands, tenements, rents, annuities or other property real or personal, heritable or moveable, or of any right, title, interest or claims in, to, out of, or upon any lands, houses, rents, annuities or other property; that is to say, for or in respect of the principal or only deed, instrument or writing, whereby the property sold shall be conveyed to or otherwise vested in the purchaser or purchasers, or to some other person, by his or their direction:			
Where the purchase or consideration money therein expressed or denoted shall not exceed - - - - 50 rupees -	0	8	
Above 50 rupees, and not exceeding - 100 ditto - -	1	0	
Ditto 100 ditto - - ditto - - - 200 ditto - -	2	0	
Ditto 200 ditto - - ditto - - - 500 ditto - -	4	0	
Ditto 500 ditto - - ditto - - - 1,000 ditto - -	8	0	
Ditto 1,000 ditto - - ditto - - - 2,000 ditto - -	12	0	
Ditto 2,000 ditto - - ditto - - - 3,000 ditto - -	16	0	
Ditto 3,000 ditto - - ditto - - - 5,000 ditto - -	20	0	
Ditto 5,000 ditto - - ditto - - - 8,000 ditto - -	32	0	
Ditto 8,000 ditto - - ditto - - - 12,000 ditto - -	40	0	
Ditto 12,000 ditto - - ditto - - - 20,000 ditto - -	50	0	
Ditto 20,000 ditto - - ditto - - - 30,000 ditto - -	64	0	
Ditto 30,000 ditto - - ditto - - - 50,000 ditto - -	80	0	
Ditto 50,000 ditto - - ditto - - - 100,000 ditto - -	100	0	
Ditto 100,000 ditto - - ditto - - - 200,000 ditto - -	150	0	
And for every further lack of rupees beyond two lacks - - -	100	0	

Note:—Where of several deeds, instruments or writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed, and to engross the same on paper, parchment, vellum, or the like, stamped for the prescribed *ad valorem* duty; provided, however, that in all cases where there are more deeds than one, all other deeds than the principal shall be charged with a stamp duty of eight rupees, and all such deeds shall specify by their contents which other is the principal deed, by which the conveyance has been effected,—certifying, that it is executed in the manner and on the material stamped as required.

EXEMPTIONS:

All grants, leases, sales or the like, wherein Government, in its political or territorial capacity, is a party.

Note:—This exemption shall not extend to sales made for the recovery of arrears of revenue or rent, or in satisfaction of decrees of court, in

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which cases the purchaser shall be required to pay the prescribed duty along with the purchase money, and shall receive from the officer conducting the sale, a deed of sale executed on paper impressed with a corresponding stamp.		
All transfers of subscriptions to any of the Government loans or other Government securities, also of bank shares.		
COPIES. Copy in any manner authenticated, or declared to be a true copy, or made for the purpose of being given in evidence as a true copy of any bond, deed or instrument of agreement, contract, conveyance, or of any other deed or instrument whatsoever chargeable with a stamp duty.		
Where such copy shall be made for the security or use of any person being a party to, or taking any benefit or interest, immediately under such agreement, contract, bond, deed or other instrument - - -	The same duty as for the original instrument.	
Where such copy shall be made for the security or use of any person not being a party to, or taking any benefit or interest, immediately under such agreement, contract, bond, deed or other instrument -	8	0
Likewise, any copy authenticated, or made as aforesaid of any schedule, receipt, or other matter put or endorsed on, or annexed to any such agreement, contract, bond, deed or other instrument aforesaid - -	8	0
Note:—Authenticated copies of any records, letters, accounts, staements, reports, or other writings furnished to individuals, from any of the public offices of Government, in Calcutta, shall be written on paper of the value, for each and every sheet, of - - - - - - - -	0	8
EXEMPTIONS:		
Copies made for the private use only of any person having the custody of the original instruments, or of his or her attorney or solicitor.		
Copies of papers which public officers are directed by any general Regulation to make, require or furnish, not specially declared chargeable with stamp duty.		
Copies of proceedings and decrees of the Sudder Dewanny Adawlut, which shall be charged in the manner and subject to the conditions prescribed in Regulation I. 1814, and other subsequent Regulations.		
DEEDS of any kind, not otherwise particularized in this schedule - -	8	0
EXCHANGES. Any deed whereby any real property shall be conveyed or surrendered in exchange for other property - - - - -		
If no sum of money shall be paid, or agreed to be paid, for equality of exchange - - - - - - - - - - - -	8	0
And if any sum of money be paid, or agreed to be paid, for equality of exchange - - - - - - - - - - - -	The same ad valorem duty as for a conveyance for such sum.	
ENGAGEMENTS to cultivate, provide or deliver Indigo plant, or to produce, manufacture, provide or deliver any other article of commerce, in consideration of advance made - - - - - -	Shall be charged on the amount advanced at the rate of Bonds or other obligations for the payment of money payable at a period exceeding three months after date.	
LEASES. Any lease made in perpetuity, or for a term of years, or period determinable with one or more lives or otherwise contingent, in consideration of a sum of money paid in the way of premium, fine or the like, if without rent - - - - - - - - - -	The same duty as for a conveyance or sale for a sum of the amount of such consideration.	
Any lease of lands, houses or other real property, at a yearly rent, without any payment of any sum of money by way of fine or premium.		
Where the yearly rent shall exceed twelve rupees, but shall not exceed twenty-four rupees - - - - - - - - - -	0	8
Exceeding 24 rupees, but not exceeding - - 50 rupees -	0	12
Ditto 50 ditto - - ditto - - - - 100 ditto -	1	0
Ditto 100 ditto - - ditto - - - - 250 ditto -	2	0
Ditto 250 ditto - - ditto - - - - 500 ditto -	4	0
Ditto 500 ditto - - ditto - - - - 1,000 ditto -	8	0
Ditto 1,000 ditto - - ditto - - - - 2,000 ditto -	12	0
Ditto 2,000 ditto - - ditto - - - - 4,000 ditto -	16	0
Ditto 4,000 ditto - - ditto - - - - 6,000 ditto -	20	0
Ditto 6,000 ditto - - ditto - - - - 10,000 ditto -	32	0
Ditto 10,000 ditto - - ditto - - - - 50,000 ditto -	64	0
Above 50,000 ditto - - - - - - - -	80	0

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Any lease of lands, houses or other real property, stipulating for a yearly rent, and granted in consideration of a fine or premium - - -	Shall be charged with both ad valorem duties above provided.
The counterpart of any lease charged with a duty exceeding eight rupees, shall likewise be executed on paper, vellum or parchment, bearing a stamp of - - - - - - - - - - - - -	Sa. Rs. A. 4 0

EXEMPTIONS:

All leases, where the annual rent shall not exceed twelve rupees.

All leases or pottahs given by authority of Government, or of the Board of Revenue.

LETTERS or powers of attorney, or commission, or factory in the nature thereof.	
Powers to perform any one special, that is to say, particular act, or the acts connected with one particular suit, case or transaction, or sundry acts to be done, after a manner specified in the instrument - -	2 0
General - - - - - - - - - - - - -	4 0

EXEMPTIONS:

Wukalutnamahs executed to regular pleaders of the Sudder Dewanny Adawlut, or any of the subordinate courts of judicature, authorizing them to prosecute or defend suits therein pending, or to present or make any miscellaneous petition, application or motion to the court, which are to be charged as prescribed in Regulation I. 1814.

LETTERS OF LICENSE from creditors to debtors - - - - -	8 0
MORTGAGES. Any deed of mortgage or conditional sale, with or without possession given of any lands, estate or property, real or personal, intended as a security for money due or to be lent thereupon, also any deed or contract, accompanied with a deposit of title deeds to any property where the same may be made as a security for payment of money due or lent at the time - - - - - - - - - -	Shall be charged after the same manner and at the same rates as if in lieu of such deed of mortgage, or the like, a Bond had been taken for the sum due or lent at the time.
Deeds of mortgage or the like given as security for the transfer of Government securities, or for the payment of an annuity for a fixed period, or the delivery at a future date of any matter or thing capable of being valued - - - - - - - - - - - -	Shall be charged at the rate of the total amount assured or of the bonâ fide value.
Deeds of mortgage given for the security of annuities for an indefinite period, such as life annuities and the like - - - - - -	Shall be charged at the rate of ten times the annual payment.
Where the total amount secured by such mortgage is unlimited - -	150 0
Where it may be stipulated that the amount secured by such mortgage shall not exceed a certain sum - - - - - - - - -	At the rate of such limitation.
Note:—Where a bond may have been already taken for the amount secured, or where from any other cause the mortgage shall act merely as collateral security to some other transaction, already charged with the *ad valorem* duty thereupon, the same being specified in the body of the deed of mortgage - - - - - - - - - - - -	8 0
Likewise in case of there being more deeds than one required to execute the mortgage in the manner desired by the parties, the principal deed only shall be charged with the *ad valorem* duty, and all other deeds connected with the same transaction - - - - - - - -	
Acknowledgments or promissory notes granted to the treasurer or other officer of the Bank of Bengal, on account of the Bank, or to any private banker or agent for loans or advances made on the deposit of Government securities, bullion, plate, jewels or other goods, and payable within three months after date, shall be charged as promissory notes. If payable at a date exceeding three months, shall be chargeed as deeds of mortgage.	
PARTITION.—Any deed of partition of real or personal property adjusted by mutual agreement amongst coheirs, coparceners or the like - -	8 0
And if any sum or sums of money shall be paid or agreed to be paid for equality of partition. - - - - - - - - - - -	The principal deed stipulating for such payment, shall be charged with the ad valorem duty prescribed for a conveyance or sale for an equal sum.
POLICY OF ASSURANCE, or Insurance, or other instrument by whatever name the same shall be called, whereby an insurance shall be made upon any life or lives or upon an event depending upon any life or lives.	

(*continued.*)

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Where the sum insured shall not exceed - - - - 5,000 rupees -	4	0
Exceeding 5,000 rupees, not exceeding - - - 10,000 ditto - -	8	0
Ditto 10,000 ditto - - ditto - - - 20,000 ditto - -	12	0
Ditto 20,000 ditto - - ditto - - - 50,000 ditto - -	16	0
Above 50,000 - - - - - - - - - - - - - - - - -	20	0
POLICY OF INSURANCE, of any ship, vessel, sloop, lighter, boat, or the like, any goods or property on board, or upon the freight of any ship, vessel, sloop, lighter, boat, or the like, or upon any other interest relating thereto, or upon any voyage, where the premium shall not exceed two per cent. on the sum insured, if the whole sum insured shall not exceed 1,000 rupees - - - - - - - - - - - -	0	8
If the sum insured exceeds 1,000 rupees, then for every 1,000 rupees, and also for any fractional part of 1,000 rupees, whereof the same shall consist - - - - - - - - - - - - - -	0	8
Where the premium shall exceed two per cent. on the sum insured, if the whole sum shall not exceed 1,000 rupees - - - - - -	1	0
If the sum insured exceeds 1,000 rupees, then for every 1,000 rupees, and also for any fractional part of 1,000 rupees, whereof the same shall consist - - - - - - - - - - - - - -	1	0
PROMISSORY NOTES, payable to the bearer on demand, at sight, or at any stated period, not exceeding three months after date, or ninety days after sight - - - - - - - - - - - -	See Bills of Exchange.	
Promissory Notes, payable at a period exceeding three months after date, or ninety days after sight - - - - - - - - - -	See Bonds.	
Promissory Notes, for the payment of any sum by instalments, or for the payment of several sums at different dates, so that the whole of the money to be paid shall be definite and certain - - - -	The same duty as would be chargeable on a Bond for the whole amount.	
All receipts for money deposited in any bank, or in the hands of any banker or agent, if the same shall stipulate for the payment of interest upon the money so deposited or in hand, shall be deemed and taken to be promissory notes.		
RECEIPTS OR DISCHARGES given for, or upon the payment of any sum of money not exceeding 32 rupees, - - - - - - - - - - - -	0	1
Exceeding 32 rupees, not exceeding - - 100 rupees - -	0	2
Ditto 100 ditto - - ditto - - - 200 ditto - -	0	4
Ditto 200 ditto - - ditto - - - 500 ditto - -	0	8
Ditto 500 ditto - - ditto - - - 1,000 ditto - -	0	12
Ditto 1,000 ditto - - ditto - - - 2,000 ditto - -	1	0
Ditto 2,000 ditto - - ditto - - - 3,000 ditto - -	1	8
Ditto 3,000 ditto - - ditto - - - 5,000 ditto - -	2	0
Ditto 5,000 ditto - - ditto - - - 8,000 ditto - -	2	8
Above 8,000 ditto - - - - - - - - - - - - - - -	4	0
Also for a receipt in full of all demands - - - - - - - - - - - -	4	0
And any instrument, note memorandum or writing, given upon the payment of money, whereby any money, debt or demand, or the part thereof therein specified, shall be expressed or acknowledged to have been paid, settled or otherwise satisfied, shall be deemed to be a receipt for the amount so declared to be paid or satisfied.		
And if any such instrument or other writing shall contain a general acknowledgment of the settlement of debts, accounts, or other demands, without specifying the amount thereof, such instrument or writing shall be deemed, and taken to be a receipt in full of all demands, and charged accordingly.		
And if payment be made by delivery of a bill or bills of exchange, draft or drafts, promissory notes, or the like securities of money, the receipt or acknowledgment given thereupon shall be deemed to be a receipt within the meaning of this schedule.		

EXEMPTIONS:

Receipts for money paid or received by any officer of Government on account of Government.

Receipts or discharges given for the purchase money of any Government securities, or shares of the Bank of Bengal.

Receipts and discharges given for money deposited in any bank, or with any agent, to be accounted for on demand, provided no interest be stipulated as payable thereon.

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If interest be stipulated, such receipt shall be chargeable as a promissory note.

Receipts or discharges written upon promissory notes, bills of exchange, drafts, or orders for the payment of money duly stamped.

Letters by the post, acknowledging the arrival of any promissory notes, bills of exchange, or other securities for money.

Receipts or discharges written upon or contained in any bond, mortgage or other security, or any conveyance, deed or other instrument duly stamped, acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest, or annuity thereby secured.

SETTLEMENTS. Any deed or instrument, whereby any sum or sums of money, or any Government securities, or other property, real or personal, shall be settled or agreed to be settled upon, or for the benefit of any person or persons in any manner whatsoever - - - - - -

Shall be charged with the ad valorem duty chargeable for a Bond for the amount or value settled or agreed to be settled, or in cases in which the value shall be indeterminate, at the rate of 100 rupees.

Deeds of gift and dower, whether to take effect on the instant or at a future period, determinate or indeterminate, shall be charged as deeds of settlement.

EXEMPTIONS:

Wills, testaments, and the like, together with deeds merely declaratory of trust, pursuant to any previous settlement, deed, or will.

GENERAL EXEMPTIONS:

Deeds, instruments and writings of any kind, in which Government or any board, commission, court or public officer, may in a public capacity be a party, save and except deeds, instruments and writings relating to matters of, or belonging to the commercial department, shall not be chargeable with any stamp duty.

II.

REGULATIONS

Passed by the Governor in Council of *Fort St. George*, in the Year 1825. N° I. to V.

A. D. 1825. REGULATION I.

A REGULATION to rescind Regulation I. of 1822, and to alter certain other provisions of the Regulations in force; and to provide for the more prompt and effectual administration of Criminal Justice, in certain cases:— Passed by the Honourable the Governor in Council of Fort St. George, on the 29th of March 1825.

WHEREAS the reference to the Court of Foujdaree Udalut of all cases of conviction of robbery by open violence, which is prescribed by Regulation I. of 1822, has been found greatly to increase the labours of the Courts of Circuit, without any commensurate benefit; and it is considered, that the object of that Regulation may be effectually attained by requiring that a report shall be made to the Preamble.

Court of Foujdaree Adalut by the Judge of Circuit, in all cases in which penalties adjudicable by the Court of Circuit under the provisions of Clause th Section IV. Regulation XV. of 1803, may appear too severe; authority b given to the Court of Foujdaree Udalut to sanction a mitigation of punishm upon such report; and whereas it is considered proper, that authority should given to the Court of Foujdaree Udalut to mitigate the punishment in the ca described in Clause first, Section XIX. Regulation VIII. of 1802; and, on a port from the Judge of Circuit, to sanction a mitigation of the penalties, prescrib in Section XXI. Regulation VII. of 1802, and in the Clause first, Section II Regulation VI. of 1811, without a reference of the trial: and whereas the ru contained in Section XXV. Regulation VII. of 1802, has been found unnecessari to augment the number of references to the Court of Foujdaree Udalut: an whereas it is considered expedient, in modification of the provisions of Section XXI Regulation VII. of 1802, to authorize the judge of circuit to overrule, under certain restrictions, objections taken by the Mohummudan Law Officer to the evidence o witnesses on criminal trials: and whereas it is deemed advisable to declare, in amendment of Section III. Regulation VI. of 1822, that in certain cases of theft, the Criminal Judges shall commit the accused for trial before the Court of Circuit, solely with reference to the amount of the property stolen; the following rules have been enacted, to be in force from the date of their promulgation.

Regulation I. of 1822, rescinded

II. *First.*—Regulation I. of 1822, is hereby rescinded.

Offenders, declared in Clause third, Section II. and Clause second, Section III. Regulation VI. of 1822, liable to the punishment prescribed by Section III. Regulation I. of 1822, to be sentenced to 39 stripes and transportation for life.

Second.—All offenders, who by the provisions of Clause third, Section II. and Clause second, Section III. Regulation VI. of 1822, are declared liable to the punishment prescribed by Section III. Regulation I. of 1822, shall, on conviction, be sentenced to corporal punishment, not exceeding thirty-nine stripes with a rattan, and to imprisonment and transportation for life.

The Court of Foujdaree Udalut empowered to adjudge all persons, sentenced to transportation for life, to receive 39 stripes.

Third.—The Court of Foujdaree Udalut shall have authority, at their discretion, to adjudge all persons, sentenced by them to imprisonment and transportation for life, to corporal punishment of thirty-nine stripes with a rattan.

Similar authority given to the Courts of Circuit, in cases of imprisonment, under Clause third, Section IV. Regulation XV. of 1803.

Fourth.—The Courts of Circuit shall have authority, at their discretion, to adjudge all persons, sentenced by them to imprisonment, under the provisions of Clause third, Section IV. Regulation XV. of 1803, to receive corporal punishment, not exceeding thirty-nine stripes with a rattan.

Such part of Clause fifth, Section IV. Regulation XV. of 1803, as respects the Courts of Circuit, rescinded.

III. *First.*—Such part of Clause fifth, Section IV. Regulation XV. of 1803, as respects the Courts of Circuit, is hereby rescinded.

In cases of conviction under Clause third, Section IV. Regulation XV. 1803, if the Judge of Circuit consider the stated punishment too severe, he shall make a report to the Court of Foujdaree Udalut.

Second.—If it shall appear to the Judge of Circuit, on any trial held under the provisions of Clause third, Section IV. Regulation XV. of 1803, and not referable to the Foujdaree Udalut, that the stated punishment is, in any particular instance, too severe; or if on consideration of the number of prisoners convicted of the same crime, and of any discriminative circumstances with respect to one or more of them, the example shall appear sufficient to the ends of justice without extending the full degree of the prescribed punishment to the whole of the prisoners convicted, the Judge of Circuit shall submit a report of the circumstances of the case, and of the sentence proposed by him to be passed on each convicted prisoner, to the Court of Foujdaree Udalut, accompanied by a statement of the grounds of his opinion, that such mitigation of punishment is proper.

Court of Foujdaree Udalut empowered to sanction mitigation of punishment, on report from the Judge of Circuit.

Third.—The Court of Foujdaree Udalut shall have authority, on receiving the report prescribed in Clause second of this Section, to sanction such mitigation of punishment as may appear to them proper; but, should they not see sufficient grounds for mitigating the prescribed penalty, they are hereby empowered to direct the Judge of Circuit to issue his warrant for carrying into effect the sentence prescribed by law.

The provisions of Clauses second and third, Section III. of this Regulation made applicable to the cases provided for in Sec-

IV. Courts of Circuit and Foujdaree Udalut are hereby authorized to proceed in the mode prescribed in Clauses second and third, Section III. of this Regulation, in all cases, wherein a futwa, awarding amputation, may be given by the law officer of the Court of Circuit; and the sentence prescribed in Section XXI. Regulation

lation VII. of 1802, may be considered by the Judge of Circuit, holding the trial, to be too severe.

tion XXI. Regulation VII. of 1802.

V. In modification of the provisions of Section III. Regulation VI. of 1811, authority is hereby given to the Courts of Circuit and Foujdaree Udalut, to proceed in the mode prescribed in Clauses second and third, Section III. of this Regulation, in all cases wherein the Judge of Circuit may consider the punishment prescribed in Clause first, Section III. Regulation VI. of 1811, to be too severe.

The provisions of Clauses second and third, Section III. of this Regulation made applicable to the cases provided for in Clause first, Section III. Regulation VI. 1811.

VI. *First.*—Section XIX. Regulation VIII. of 1802 is hereby rescinded.

Section XIX. Regulation VIII. of 1802, rescinded.

Second.—In all instances, wherein the futwa of the law officers of the Foujdaree Udalut shall declare the prisoner or prisoners liable to more severe punishment than, under the evidence, and all the circumstances of the case, shall appear to that Court to be just and equitable; and the Mohummudan Law shall not allow a discretion to the Court in determining the degree of punishment, (as it does in all cases of Tazeer); the Court of Foujdaree Udalut are hereby empowered to mitigate, or remit the punishment, as may appear to them proper.

Court of Foujdaree Udalut empowered to mitigate or remit the punishment in cases specially provided for by the Mohummudan Law.

VII. Section XXV. Regulation VII. of 1802, is hereby rescinded.

Section XXV. Regulation VII. 1802, rescinded.

VIII. In cases, in which the evidence of a witness on a criminal trial before a court of circuit may be declared by the Mohummudan Law Officer inadmissible, or incompetent, on the ground of the witness's not professing the Mohummudan religion, of his being a police officer, or an officer of government, of any description; or any other ground of exception in the Mohummudan rules of evidence, which may appear to the Judge of Circuit unreasonable and insufficient; the Judge shall cause the examination of the witness to be taken, notwithstanding the exception stated by the Law Officer; and shall require the latter, on completion of the trial, to declare in his futwa, the sentence to which the prisoner would have been liable if the evidence of the witness or witnesses objected to had been admissible, under the provisions of the Mohummudan Law. In such cases, however, if the conviction of the prisoner depend exclusively, or principally upon the evidence of the witness or witnesses objected to by the Law Officer, the Judge of Circuit shall not pass any sentence; but shall refer the trial to the Court of Foujdaree Udalut, to be disposed of by them under the general Regulations.

Courts of Circuit how to proceed when the evidence of witnesses may on insufficient grounds be considered by the Law Officers to be inadmissible.

IX. In amendment of Clause second, Section III. Regulation VI. of 1822, it is hereby declared, that, in cases of theft, where the amount or value of the property stolen shall exceed the sum of three hundred Madras Rupees, the amount shall be deemed a circumstance taking the case out of the jurisdiction of the Criminal Judge as to passing sentence on the accused; and shall make it necessary for him to commit the assused for trial before the Court of Circuit.

Clause second, Section III. Regulation VI. 1822, amended.

X. *First.*—The cases of persons, who, at the date of the promulgation of this Regulation, may be under examination, or commitment for trial, or whose trials may be preparing for reference to the Court of Foujdaree Udalut, for the crime of robbery by open violence, unattended with any of the circumstances of aggravation specified in Clauses first and second, Section IV. Regulation XV. of 1803, are hereby exempted from the operation of the provisions of Regulation I. of 1822, now rescinded.

The cases of persons under examination or commitment for trial, or whose trials may be preparing for reference, for robbery by open violence, unattended with the aggravating circumstances, specified in Clauses first and second, Section IV. Regulation XV. of 1823, exempted from the operation of Regulation I. of 1822.

Second.—It shall be competent to the Judge of Circuit, trying the cases, described in Clause first of this Section, to dispose of them under the provisions of Clause third, Section IV. Regulation XV. of 1803; or should he deem a mitigation of punishment proper, to submit the report prescribed in Clause second, Section III. of this Regulation, to the Court of Foujdaree Udalut.

Such cases may be disposed of by the Judge of Circuit, under Clause third, Section IV. Regulation XV. of 1803.

Provision for mitigation of punishment.

Third.—It shall be competent to the Court of Foujdaree Udalut, on receiving such report from the Judge of Circuit, to sanction a mitigation of the prescribed penalty, if it appear to them proper: but, should they not see sufficient grounds for the proposed mitigation of punishment, they shall direct a reference of the trial for their final judgment.

Court of Foujdaree Udalut how to proceed, on recommendation of mitigation of punishment.

A. D. 1825. REGULATION II.

A REGULATION for modifying and amending certain provisions contained in Regulation XIII. of 1816, Regulation II. of 1817, and Section VI. Regulation XXXIV. of 1802:—Passed by the Honourable the Governor in Council of Fort St. George, on the 15th of April 1825.

Preamble.

WHEREAS the provision contained in Section IX. Regulation XIII. of 1816, which declares that any of the several instruments therein specified, which may not have been written on paper or other material bearing the prescribed stamp, shall not be admitted in evidence, or otherwise received, or filed in any court of judicature, may frequently operate to the injury of rightful claimants, and is not requisite for the protection of the revenue; and whereas it is considered proper, in modification of the provisions of Sections XI. and XX. Regulation XIII. of 1816, to prescribe that bonds or other instruments for sums not exceeding sixty-four Rupees, wills, and miscellaneous petitions addressed to the Board of Revenue, shall not be required to be written on stamped paper; and whereas it appears expedient to rescind Section VI. Regulation II. of 1817, the imposition of a stamp duty on Abkarry licenses being nugatory as a mode of raising revenue; and whereas the provision contained in Section VI. Regulation XXXIV. of 1802, that bonds or instruments bearing a higher rate of interest than twelve per cent shall not be recoverable in the Courts of Adawlut, is considered to be objectionable on general grounds of policy, and it is deemed sufficient to provide that the amount of interest stipulated in such bonds or instruments, in excess of the legal rate, shall not be recoverable; the following Rules have been enacted, to be in force from the date of their promulgation.

Section IX. Regulation XIII. of 1816, rescinded.

II. Section IX. Regulation XIII. of 1816, is hereby rescinded.

Bonds, or other instruments, not written on paper bearing the prescribed stamp, not to be admitted in evidence, or received in any Court of Judicature, except upon payment of a penalty equal to ten times the amount of the stamp duty.

III. *First.*—From and after the date of the promulgation of this Regulation, any bond, promissory note, bill of exchange, letter of credit, or other obligation for the payment of money; any receipt or acquittance, by which any sum of money or demand shall be acknowledged to have been paid, received, liquidated, discharged, accounted for, or in any manner satisfied; any deed of gift, sale, or other transfer of property, real or personal; any lease, deed of mortgage, or other limited assignment of land; any deed of contract, partnership, security, or engagement, which may not have been written on paper or other material, bearing the prescribed stamp, shall not be admitted in evidence or otherwise received, or filed in any court of judicature, until the party presenting the same shall have paid a penalty equal to ten times the amount of the stamp duty, which would have been payable on such bond or other instrument, in the first instance, if it had been prepared on paper or other material bearing the prescribed stamp.

Payment of the Penalty to be certified on instruments so admitted.

Second.—When instruments may be admitted, on payment of the penalty prescribed in Clause first of this Section, in any court of judicature, the payment of the penalty shall be certified upon the instrument by the Court, and such certificate shall render the instrument ever after admissible, in the same manner as if it had been duly stamped.

Certificate what to contain.

To be registered.

Third.—The certificate mentioned in Clause second of this Section shall specify the date and place of the payment of the penalty, the amount, and the name of the party by whom it may be paid; and a corresponding entry of such payments shall be made by the Court in a book to be kept for that purpose.

Amount of penalties, levied by village or district punchayets, to be remitted to the district Moonsif.

Fourth.—In cases where the penalty prescribed in Clause first of this Section may be levied by a village, or district punchayet, the amount shall be remitted to the district Moonsif, with a memorandum of the date and place of payment, and the name of the party by whom it may be made.

Who shall remit the same to the Zillah Court.

Fifth.—District Moonsifs shall remit the sums received by them under the provisions of Clause fourth, and also the amount of penalties levied by themselves under the provisions of Clause first of this Section, to the Zilla Judge, accompanied by a memorandum of the date and place of payment, and the name of the party by whom it may be made; corresponding entries of which payment shall be made by the Zilla Judge in a book specially kept for that purpose.

When the Certificate may appear to be forged, a reference to

Sixth.—If on the presentation of any instrument bearing the prescribed certificate of payment of the penalty the Court see reason to believe the certificate to be forged,

forged, a reference shall be made to the register of payments kept by the Zillah, or Provincial Court, for the purpose of ascertaining whether the penalty was paid according to the tenor of the certificate.

be made to the Register.

IV. In modification of the provisions contained in Section XI. Regulation XIII. of 1816, it is hereby declared that instruments for sums not exceeding sixty-four Rupees, and wills, shall not be required to be written on stamped paper.

Instruments for sums not exceeding 64 Rupees, and Wills, not required to be on stamped paper.

V. In modification of the provisions contained in Section XX. Regulation XIII. of 1816, it is hereby enacted, that petitions on unstamped paper shall be received by the Board of Revenue.

Petitions on unstamped paper may be presented to the Board of Revenue.

VI. Section VI. Regulation II. of 1817, is hereby rescinded.

Section VI. Regulation II. of 1817, rescinded.

VII. In modification of the provisions of Section VI. Regulation XXXIV. of 1802, it is hereby enacted, that bonds or other instruments shall, from the date of the promulgation of this Regulation, be recoverable in the Courts, notwithstanding their stipulating for the payment of a higher rate of interest than that which is at present or may be hereafter declared to be the legal rate; provided, however, that the Courts shall not allow a higher rate of interest than that prescribed by law upon such instruments.

Instruments bearing a higher rate of interest than the legal rate recoverable in the Courts.

Proviso.

A. D. 1825. REGULATION III.

A REGULATION to prohibit Judges from sitting on the trial of Appeals in causes tried before themselves; and to empower the Governor in Council to increase, at his discretion, the number of Judges of the Provincial Courts of Appeal and Circuit, and of the Sudder and Foujdarry Adawlut:—Passed by the Honourable the Governor in Council of Fort St. George, on the 10th of June 1825.

WHEREAS it is incompatible with the due and effectual administration of justice that a Judge of a Zillah, or a Provincial Court, or of the Court of Sudder Adawlut, should sit on the trial of an appeal suit, if, in the court of prior jurisdiction, he tried the cause which is the subject of appeal: and whereas, in order to prevent any failure or delay of justice on such and other occasions, it is expedient that the Governor in Council should be empowered to increase, whenever he may see fit, the number of Judges of the Courts of Appeal and Circuit and of the Sudder and Foujdarry Adawlut, without passing a regulation for that purpose; the Honourable the Governor in Council is therefore pleased to enact this Regulation, to have effect from the date of its promulgation.

Preamble.

II. *First.*—No Judge of the Court of Sudder Adawlut, or of any Provincial Court of Appeal, shall sit on the trial of any appeal in a cause tried before himself as one of the Judges of a Provincial Court or as a Zillah Judge; neither shall he sign a decree passed on such appeal by the Court of which he is a Judge.

No Judge shall sit on the trial of an appeal in a cause tried before himself while Judge of a lower Court.

Second.—No Zillah Judge shall try an appeal from a decree passed by himself as a register.

Or while a Register.

III. *First.*—Whenever an appeal may be preferred to a Zillah Judge against a decree passed by himself as a register, the Zillah Judge shall forward the petition of appeal, with all the evidence and documents in the case, to the Provincial Court of the division in which the Zillah is situated; and the Provincial Courts are hereby empowered and directed to receive such appeals, and to try them and pass judgment therein, in conformity with the rules in force for the receiving, trying and deciding of regular appeals.

An appeal coming before a Zillah Judge from a decree passed by himself while Register, is to be removed to the Provincial Court of the Division.

Second.—In all cases forwarded to the Provincial Courts for adjudication under the foregoing Clause, the application for the admission of exhibits, the pleadings subsequent to the petition of appeal, and the decree, shall severally be written on the stamped paper prescribed for the preparation of those documents in the Zillah Courts by Sections XVI. XIX. and XXII. Regulation XIII. of 1816.

The Stamps used in such cases to be those prescribed for appeals to Zillah Courts.

Third.—Whenever the Court of Sudder Adawlut may admit a second or special appeal from a decision passed by a provincial court under the provisions of this

In special appeals to the Sudder Adawlut in such cases, the

stamps to be the same as in special appeals from Zillah to Provincial Courts.

Section, the pleadings and other documents required to be prepared on stamped paper shall be written on stamped paper of the value prescribed in cases of special appeals admitted by Provincial Courts from decrees of Zillah Judges.

The Governor in Council may appoint additional Judges to the Provincial Courts or the Sudder Adawlut.

IV. The Governor in Council is empowered, whenever he may deem it expedient, to appoint additional Judges to any of the Courts of Appeal and Circuit, or to the Court of Sudder and Foujdarry Adawlut.

A. D. 1825. REGULATION IV.

A REGULATION for amending and modifying the provisions, contained in Regulation VII. of 1818:—Passed by the Honourable the Governor in Council of Fort St. George, on the 12th of July 1825.

Preamble.

WHEREAS the rules contained in Section IV. Regulation VII. of 1818, whereby suits in which the cause of action may not exceed eighty Rupees, and suits for the recovery of pecuniary penalties incurred by any breach of the Regulations, are excluded from cognizance as Pauper Suits, and Judges are prohibited from referring Pauper Suits to the native judicatories, are considered to operate with severity upon the poorer classes, as well by occasionally preventing the trial of just demands, as by obliging them to an inconvenient attendance upon the Zillah Courts, to which other suitors are not subjected: and whereas it has been found, that the provisions of Clause second, Section V. of the Regulation, do not oppose an efficient check to the institution of groundless Pauper Suits; while on the other hand, the obligation, imposed on the Courts by Clause third of that Section to reject the pauper's application, if the opinion of the Vakeel shall be that his case is not sustainable, may occasionally have the effect of excluding from trial well founded claims: and whereas it is therefore deemed expedient, that the above-mentioned rules and provisions should the modified; this Regulation has been enacted, to be in force from the date of its promulgation.

Suits of certain descriptions to be admissible as pauper suits.

II. In modification of the provisions of Clause first, Section IV. Regulation VII. of 1818, it is hereby declared, that suits in which the cause of action shall exceed ten Rupees; and suits for the recovery of pecuniary penalties, incurred by any breach of the Regulations, shall be admissible as Pauper Suits.

Rescission.

III. *First.*—Clause second, Section IV. Regulation VII. of 1818, is hereby rescinded.

Pauper suits referable to native judicatories.

Second.—It shall be competent to the Zillah Courts to refer, at their discretion, to the Sudder Aumeens and District Moonsifs such Pauper Suits, admitted by them, as may with reference to the value of the cause of action be cognizable by those officers respectively.

The Vakeel's opinion on the merits of a pauper's claim to be accompanied by a statement of the grounds of such opinion.

IV. In modification of the provisions of Clause second, Section V. Regulation VII. of 1818, it is hereby prescribed, that the opinion which the Vakeel is thereby required to give that a suit proposed to be instituted by a pauper is or is not sustainable, shall be in all cases accompanied by a statement of the grounds on which such opinion is formed.

Rescission.

V. *First.*—Clause third, Section V. Regulation VII. of 1818, is hereby rescinded.

Courts empowered to overrule the opinion of a Vakeel against a pauper's claim.

Second.—In cases wherein the opinion of the Vakeel may be against the claim of the party wishing to sue as a pauper, it shall be competent to the Court, on application from such party, to take into consideration the grounds of the Vakeel's opinion, and should it see fit to admit the applicant to sue in *formâ pauperis*.

Courts empowered to overrule the opinion of a Vakeel in favour of a pauper's claim.

Third.—In cases wherein the opinion of the Vakeel may be in favour of the claim of a party, wishing to sue as a pauper, it shall be competent to the Court, after taking into consideration the grounds of that opinion, to reject the application of such party to sue in *formâ pauperis*.

Fourth.—

Fourth.—Whenever the Court may admit a party to sue in *formâ pauperis* under Clause second, or reject his application under Clause third of this Section, the grounds of such resolution shall be recorded; but no appeal shall be allowed therefrom.

Courts to record the grounds of resolution passed under Clauses second and third of this Section, which shall be final.

A. D. 1825. REGULATION V.

A REGULATION for modifying the provisions of Section XLIII. Regulation VI. of 1816, regarding suits for land:—Passed by the Honourable the Governor in Council of Fort St. George, on the 6th December 1825.

WHEREAS it is considered expedient and necessary to provide against the consequence of erroneous decisions passed by the District Moonsifs in suits for land, from which no appeal is admissible under the provisions of Section XLIII. Regulation VI. of 1816, and that the modification of the provisions contained in that Section, so far as to allow an appeal from the decisions of District Moonsifs in all suits for property in land, will not materially interfere with the beneficial operation of the Regulation; the Governor in Council has been pleased to enact this Regulation, to be in force from the date of its promulgation.

Preamble.

II. In modification of the provisions contained in Section XLIII. Regulation VI. of 1816, it is hereby enacted, that from all decisions which may be passed by District Moonsifs, in suits for property in land, subsequently to the date of the promulgation of this Regulation an appeal shall lie to the Zillah Court, under the rules prescribed in Section LIII. of that Regulation.

All decisions of District Moonsifs in suits for landed property passed after the promulgation of this Regulation, open to appeal.

II.—*(continued.)*

REGULATIONS

Passed by the Governor in Council of *Fort St. George*, in the Year 1826. N° I. to III.

A. D. 1826. REGULATION I.

A REGULATION for establishing rules for the use, and providing checks on the abuse, of the power of employing summary process for the recovery of arrears of public revenue, other than the land revenue:—Passed by the Honourable the Governor in Council at Fort St. George, on the 7th April 1826.

WHEREAS it is necessary for the complete and punctual collection of the public revenue, that Collectors should have the power of using summary process, for the recovery of arrears of public revenue of any description whatever, against all persons, whether farmers of revenue or others, from whom such arrears may be due to Government; and that all farmers of public revenue should have the power of using summary process for the recovery of arrears from their sub-renters: and whereas it is deemed expedient to attend to all branches of the public revenue the rules, so far as they are applicable for the use, and the special checks upon the abuse of that power, which have been provided in the case of the land revenue by the Regulations now in force; the Governor in Council has therefore been pleased to enact this Regulation, to be in force from the date of its promulgation.

Preamble.

Collectors may use summary process for recovering arrears of any branch of revenue.

II. *First.*—It is competent to Collectors of the public revenue to proceed against all persons, whether farmers of revenue or others, against their securities, for the recovery of arrears of revenue of any description, due from them to Government, by the like summary process as may be lawfully used for the recovery of arrears of land revenue.

What rules shall be observed in cases of distraint and imprisonment.

Second.—In regard to distraining the property and to imprisoning the persons of defaulters in any branch of the public revenue, or of their securities, the same rules shall be observed which are enjoined in the case of proprietors or farmers of land by Sections IV. V. VI. VII. and XIII. of Regulation XXVII. of 1802.

The protection which is afforded to proprietors or farmers of land extended to all persons paying public revenue.

III. All persons paying public revenue of any description directly to Government or to the officers of Government, and the securities of all such persons, shall be at liberty to do, under the like circumstances, all such acts as are permitted to proprietors or farmers of land by Sections IX. XI. and XII. of Regulation XXVII. of 1802; and the Courts of Adawlut are required to proceed in the same way regarding all applications made under this Section as regarding similar applications made under those provisions by proprietors or farmers of land.

All farmers of revenue authorized to recover arrears from sub-renters by summary process.

IV. All farmers of public revenue are hereby authorized to proceed against their sub-renters for the recovery of arrears of rent, in the same manner in which landholders have power to proceed for the recovery of arrears due to them from under-farmers or ryots.

The protection which is afforded to ryots and under farmers of land, extended to all sub-renters of revenue.

V. The provisions in the Regulations now in force for the protection of ryots or under-farmers of land revenue, against illegal demands, undue exactions, unlawful distraint or sale, and wrongous imprisonment, are hereby declared applicable to the protection of all sub-renters under farmers of any branch of public revenue.

A. D. 1826. REGULATION II.

A REGULATION for rescinding Clause fourteenth, Section XVIII. Regulation II. of 1812:—Passed by the Honourable the Governor in Council of Fort St. George, on the 11th of April 1826.

Preamble.

WHEREAS the Act of the 51st George III. Cap. 23, contains provisions for the punishment of the offence of carrying away or removing, from any country or place whatsoever, any person or persons, as a slave or slaves, or for the purpose of being sold or dealt with as a slave or slaves: and whereas Clause fourteenth, Section XVIII. Regulation II. of 1812, by which the exportation of slaves from Malabar is prohibited under the penalty of a fine of two hundred and fifty Rupees, is unnecessary and inconsistent with the Act aforesaid; the Governor in Council has therefore been pleased to enact this Regulation.

Rescission.

II. Clause fourteenth, Section XVIII. Regulation II. of 1812, is hereby rescinded.

A. D. 1826. REGULATION III.

A REGULATION for the more easy conviction of the Crime of Perjury in certain cases:—Passed by the Honourable the Governor in Council of Fort St. George, on the 17th October 1826.

Preamble.

IN prosecutions for perjury under the provisions of Sections III. and IV. Regulation VI. of 1811, it has been determined that the matter or matters of fact, wherein the perjury is assigned, must be set forth in the charge, and that the evidence of two or more witnesses is necessary to disprove the said matter or matters of fact: but numerous cases have occurred in which a party or witness has given two contradictory depositions in regard to the same matter or matters of fact: and, although in such cases one of the two depositions must necessarily be false, it is often difficult to ascertain in which deposition the perjury was committed; and this heinous crime thus frequently

quently escapes punishment. It is necessary therefore for the ends of justice to provide for the more easy conviction of the crime of perjury in these cases; and for this purpose the Governor in Council has enacted the following rules, to be in force from the date of their promulgation.

Persons giving two contradictory depositions on oath liable to be committed for trial for wilful and corrupt perjury.

II. *First.*—If a party or witness shall wilfully and deliberately give two contradictory depositions on oath, or under a solemn declaration taken instead of an oath, on a matter or matters of fact material to the issue of a judicial proceeding, such party or witness shall be liable to be committed for trial before the Court of Circuit for wilful and corrupt perjury; provided that the contradiction between the two depositions be direct and positive, and that, upon the whole circumstances of the case, there be strong grounds to presume the corrupt intention of the party or witness.

Proviso.

Evidence requisite for the conviction of persons committed for perjury under the preceding Clause.

Second.—For the the conviction of a person committed for trial on a charge of perjury under the preceding clause, no other evidence shall be requisite than clear and satisfactory proof that the party or witness having been duly sworn, or having made a solemn declaration instead of an oath, wilfully and deliberately caused the two contradictory depositions to be taken down in writing, and that, before he affixed his signature or mark thereto, their contents were distinctly read over to him.

Punishment to be adjudged on conviction under the preceding Clause.

Third.—Persons convicted under the foregoing clause shall be liable to the punishment prescribed for perjury by Section III. Regulation VI. of 1811, subject to the rules established for the remission or mitigation of the punishment in other cases of conviction.

Persons tried for perjury under this Regulation not liable to a second prosecution for the same offence, charging the perjury on either of the two contradictory depositions.

III. It is hereby declared that a person who, under the rules contained in the foregoing Section, has been tried on a charge of perjury, founded on his two contradictory depositions, shall not, whether convicted or acquitted, be afterwards liable to a prosecution for the same offence, charging the perjury in the usual way specifically on either of the said two depositions.

III.

RULES, ORDINANCES, AND REGULATIONS

Passed by the Governor in Council of *Bombay*, in the Year 1825. N° I. and II.

RULE, ORDINANCE AND REGULATION I. OF 1825.

A RULE, Ordinance and Regulation for preventing the mischief arising from the printing and publishing Newspapers, and periodical and other Books and papers by persons unknown:—Passed by the Honourable the Governor in Council of Bombay on the 2d day of March 1825, and registered in the Honourable the Supreme Court of Judicature at Bombay, under date the 11th of May 1825.

Preamble.

WHEREAS, for the purpose of more easily detecting those who may be legally responsible for the publication of libellous matter in newspapers and periodical works of a like nature, and other printed books and papers, the Honourable the Governor in Council has deemed it expedient that certain regulations should be provided touching such publications respectively.

No person to print or publish Newspaper or other periodical work until an affidavit be delivered to the Chief Secretary to Government.

Article I.—Be it therefore ordained by the authority of the Honourable the Governor in Council, and under and by virtue of a certain Act of Parliament, made and passed in the forty-seventh year of the reign of his late Majesty King George the Third, intituled, "An Act for the better Settlement of the Forts of "St. George and Bombay," that from and after twenty days after the registry and publication of this rule, ordinance and regulation of the Supreme Court of Judicature at Bombay, no person or persons shall, within the Presidency of Bombay, print or publish, or cause to be printed or published, any newspaper or magazine, register, pamphlet, or other book or paper whatsoever, in any language or character whatsoever, published periodically, containing or purporting to contain public news intelligence or strictures on the acts, measures and proceedings of Government, or any political events or transactions whatsoever, until an affidavit or affidavits, made and signed as hereinafter mentioned, shall be delivered to the Chief Secretary of Government for the time being, or other person acting and officiating as such, containing the several matters and things hereinafter for that purpose specified and mentioned.

Affidavits to be signed by the parties, and to be taken before the Chief Secretary, or other being a Justice of peace, and to specify the names and places of abode of the printers, publishers, and proprietors of such Newspapers and books, together with the house wherein printed, and the title of the same.

Article II. And be it further ordained by the authority aforesaid, that every such affidavit shall be in writing and signed by the person or persons making the the same, and shall be taken before the said Chief Secretary, or other person acting and officiating as such, in case he shall be a Justice of peace, and if not, then before any Justice of the peace acting within the presidency. And such affidavit or affidavits shall specify and set forth the real and true names, additions, descriptions, and places of abode, of all and every person or persons who is or are intended to be the printer and printers, publisher and publishers, of the newspaper, magazine, register, pamphlet or other printed book or paper in such affidavit or affidavits mentioned, and of all the proprietors of the same resident within the Presidency of Bombay or places thereto subordinate, if the number of such proprietors, exclusive of printers and publishers, does not exceed two, and in case the same shall exceed such number, then of two of the proprietors, exclusive of the printers and publishers resident within the Presidency of Bombay, or places thereto subordinate, who hold the largest shares therein, and also the amount of the proportional share of such proprietors in the property therein, and likewise the true description of the house or building wherein any such newspaper, magazine, register, pamphlet or other printed book or paper as aforesaid, is intended to be printed, and the title of such newspaper, magazine, register, pamphlet or other printed book or paper.

Where the printers and publishers, together with the proprietors, shall not exceed four, then the affidavits to be signed and sworn by all who are resident in Bombay; where they exceed four, by four or so many as are resident in Bombay.

Article III.—And be it further ordained by the authority aforesaid, that where the persons concerned in as printers and publishers of any such newspaper, magazine, register, pamphlet, or other printed book or paper as aforesaid, together with such number of proprietors as are hereinbefore required to be named in such affidavit or affidavits as aforesaid, shall not altogether exceed the number of four persons, the affidavit or affidavits hereby required shall be sworn and signed by all the said persons who are resident in or within twenty miles of Bombay; and when the number of such persons shall exeeed four, the same shall be signed and sworn by four of such persons, if resident in or within twenty miles of Bombay, or by so many of them as are so resident; but the same shall contain the real and true names, additions, descriptions and places of abode, of all and every person and persons who is and are or are intended to be the printer and printers, publisher and publishers, and of so many of the proprietors as are hereinbefore for that purpose mentioned, of such newspaper, magazine, register, pamphlet or other printed book or paper as aforesaid; and the person or persons so signing and swearing to the truth of such affidavit or affidavits in the last-mentioned case, shall and are hereby required to give notice, within fourteen days after such affidavit or affidavits shall be so delivered as aforesaid, to each of the persons not signing and swearing such affidavit, but named therein as a proprietor, printer or publisher of such newspaper, magazine, register, pamphlet or other printed book or paper as aforesaid, that he or they are so named therein; and in the case of neglect to give such notice, each and every person who has so signed and sworn such affidavit shall forfeit and lose the sum of Rupees five hundred.

New affidavit to be made as often as the Printers, Publishers, or Proprietors, shall be changed, or shall change their places of

Article IV.—And be it further ordained by the authority aforesaid, that an affidavit or affidavits of the like nature and import shall be made, signed and delivered, in like manner, as often as any of the printers, publishers or proprietors, named in such affidavit or affidavits, shall be changed, or shall change their respective places

of

of abode or their printing house, place or office, and as often as the title of such newspaper, magazine, register, pamphlet or other printed book or paper as aforesaid, shall be changed, and as often as the Honourable the Governor in Council shall deem it expedient so to require. And that when such further and new affidavit or affidavits as last aforesaid shall be so required by the Honourable the Governor in Council, notice of such requsition, signed by the said Chief Secretary, or other person acting and officiating as such, shall be given to the persons named in the affidavit or affidavits to which the said notice relates, as the printers, publishers or proprietors of the newspaper, magazine, register, pamphlet or other printed book or paper in such affidavit or affidavits named, such notice to be left at such place as is mentioned in the affidavits last delivered, as the place at which the newspaper, magazine, register, pamphlet or other printed book or paper to which such notice shall relate, is printed.

abode or printing-house, and as often as the Governor in Council shall require.

Article V.—And be it further ordained by the authority aforesaid, that in case any such newspaper, magazine, register, pamphlet or other printed book or paper, as hereinbefore described, shall be printed or published, such affidavit or affidavits as hereinbefore required not having been duly signed, sworn and delivered, and as often as by this rule, ordinance and regulation, is required, such person shall forfeit and lose for every such printing and publishing the sum of Rupees one thousand.

Penalty of rupees 1000 for printing and publishing Newspapers, &c. without making the Affidavits hereinbefore required.

Article VI.—And be it further ordained by the authority aforesaid, that all such affidavits as aforesaid shall be filed and kept in such manner as the Chief Secretary for the time being, or other person acting or officiating as such, shall direct, and the same, or copies therefore certified to be true copies as hereinafter is prescribed, shall respectively in all proceedings, criminal and civil, touching any newspaper or other such book or paper as shall be mentioned in any such affidavit or affidavits, or touching any publication, matter, or thing contained in such newspaper, or other book or paper as mentioned as aforesaid, be received and admitted as conclusive evidence of the truth of all such matters set forth in such affidavits, as are required to be therein set forth, against every person who shall have signed and sworn the same, and also a sufficient evidence of the truth of all such matters against all and every person who shall have not signed or sworn the same, but who shall be mentioned in such affidavits to be a proprietor, printer, or publisher of such newspaper or other book or paper in such affidavit or affidavits mentioned as aforesaid, unless the contrary shall be satisfactorily proved. Provided always, that if any such person or persons respectively, against whom any such affidavit or affidavits, or any copy thereof, shall be offered in evidence, shall prove that he she or they hath or have signed, sworn, and delivered to the said Chief Secretary, or other person acting and officiating as such, previous to the day of the date or publication of the newspaper, or other such book or paper in such affidavit or affidavits mentioned as aforesaid, to which the proceedings civil or criminal shall relate, an affidavit or affidavits that he she or they hath or have ceased to be the printer or printers, proprietor or proprietors, or publisher or publishers, of such newspaper, or other such book or paper in such affidavit or affidavits mentioned as aforesaid, such person or persons shall not be deemed, by reason of any former affidavit so delivered as aforesaid, to have been printer or printers, proprietor or proprietors, or publisher or publishers, of such newspaper or other such book or paper, after the day on which such last-mentioned affidavit or affidavits shall have been delivered to the said Chief Secretary of Government for the time being, or other person acting and officiating as such.

Affidavit to be filed, and they, or certified copies, to be admitted in all proceedings, civil or criminal, as evidence of the truth of their contents, against persons swearing and all mentioned therein, unless proved to the contrary.

But if any person shall have delivered, previous to the publication of the paper to which the proceedings relate, an affidavit that he has ceased to be Printer, &c. he shall be so deemed after such delivery.

Article VII.—And be it further ordained by the authority aforesaid, that in some part of every newspaper, magazine, register, pamphlet or other printed book or paper whatsoever, in any language or character whatsoever published periodically, containing or purporting to contain public news, intelligence, or strictures on the acts, measures, or proceedings of Government, or any political events or transactions whatsoever, in the same language and character as that in which such newspaper or other printed book or paper hereinbefore described is printed, there shall be printed the true and real name and names, addition and additions, and place and places of abode of the printer and printers, and publisher and publishers of the same, and also a true description of the place where the same is printed. And in case any person or persons shall knowingly and wilfully print or publish, or cause to be printed or published, any such newspaper or other printed book or paper as aforesaid, not containing the particulars aforesaid, and every of them, every such person shall forfeit the sum of 1,000 Rupees; and that proof made in manner herein mentioned

In Newspapers, &c. there shall be printed the names and abode of Printers and Publishers on penalty of Rupees 1,000, and proof in manner herein mentioned that the party is the Printer, &c. shall be sufficient, unless proved to the contrary.

tioned in any proceeding to recover the same, that the party proceeded against is a printer or publisher of a newspaper, or other such printed book or paper so printed or published as aforesaid, shall be deemed and taken to be proof that such party is a person wilfully and knowingly printing or publishing, or causing the same to be printed or published, unless he shall satisfactorily prove the contrary.

After production of the Affidavit or copy, and a Newspaper, &c. intituled as therein mentioned, &c. it shall not be necessary to prove the purchase of the same at the house or shop of defendants.

Article VIII.—And be it further ordained by the authority aforesaid, that it shall not be necessary, after any such affidavit or affidavits hereinbefore mentioned, or a certified copy thereof (to be certified as hereafter mentioned) shall have been produced in evidence as aforesaid, against the person or persons who signed and made the same or are therein named according to Article III. of this Rule, Ordinance, and Regulation, and after a newspaper or other such printed book or paper as aforesaid shall be produced in evidence, intituled in the same manner as the newspaper or other such printed book or paper mentioned in such affidavit or affidavits is intituled, and wherein the names of the printer and publisher, or printers or publishers, and the place of printing shall be the same as the name or names of the printer or printers, and publisher or publishers, and place of printing mentioned in such affidavit or affidavits, for any plaintiff, informant, or prosecutor, or person seeking to recover any of the penalties raised by this Regulation, to prove that the newspaper, or other printed book or paper to which such trial relates, was purchased at any house, shop or office, belonging to or occupied by the defendant or defendants, or any of them, or by his or their servants or workmen, or where he or they, by themselves or by their servants or workmen, usually carry on the business of printing or publishing such newspaper, or other printed book or paper as aforesaid, or where the same is usually sold.

Service at the printing-house mentioned in the affidavit to be deemed sufficient notice to all persons named therein.

But if any person shall have delivered, previous to the publication of the Newspaper, &c. to which the proceedings relate an affidavit that he has ceased to be Printer, &c. he shall not be so deemed after such delivery.

Article IX.—And be it further ordained by the authority aforesaid, that service at the house or place mentioned in such affidavit or affidavits as aforesaid, as the house or place at which such newspaper or other such printed book or paper in such affidavit or affidavits mentioned as aforesaid, to which any proceedings, civil or criminal, shall relate, is printed or published, or intended so to be, of any legal notice, summons, subpœna, rule, order, or process of what nature soever, or to enforce an appearance in any suit, prosecution, or proceeding, civil or criminal, against any printer, publisher, or proprietor of any such newspaper or other printed book or paper so mentioned in such affidavit or affidavits, shall be deemed and taken to be good and sufficient service thereof respectively against all persons named in such affidavit or affidavits as the proprietor or proprietors, publisher or publishers, or printer or printers of the newspaper or other printed book or paper mentioned in such affidavit or affidavits: Provided always, that if any such person or persons respectively as aforesaid, shall have signed, sworn, and delivered to the said Chief Secretary to Government, or other person acting or officiating as such as aforesaid, previous to the day of the date or publication of the newspaper or other such printed book or paper as aforesaid to which the proceeding in court shall relate, an affidavit or affidavits taken before him, he being a Justice of peace, and if not, before any Justice of peace acting within the presidency, that he, she, or they have ceased to be the printer or printers, proprietor or proprietors, publisher or publishers of such newspaper or other such printed book or paper as aforesaid, and shall make proof thereof, such person or persons shall not be deemed, by reason of any former affidavit or affidavits so delivered as aforesaid, to have been the proprietor or proprietors, printer or printers, publisher or publishers of the same, after the day on which such last-mentioned affidavit or affidavits shall have been delivered to the said Chief Secretary, or other person acting and officiating as such, as aforesaid.

Certified copies of Affidavits to be delivered on payment of one Rupee.

Article X.—And be it further ordained by the authority aforesaid, that the said Chief Secretary, or other person acting and officiating as such, by whom such affidavits shall be kept, according to the directions of this rule, ordinance, and regulation, shall, and he is hereby required, upon application made to him by any person or persons, requiring a copy certified according to this rule, ordinance, and regulation, of any such affidavit as aforesaid, in order that the same may be produced in any civil or criminal proceedings, to deliver to the person so applying for the same such certified copy, he, she, or they paying for the same the sum of one Rupee and no more.

Copies of Affidavits, certified by the Chief Secretary to Government, in whose custody they shall be, to be sufficient evidence.

Article XI.—And whereas in many cases it may be productive of public inconvenience to require that the Justice of peace before whom such affidavits as are hereinbefore mentioned are made, or the Chief Secretary to Government, or other person acting and officiating as such, into whose custody such affidavits may have been

been delivered, should be required personally to attend in order to prove upon the trial of any action, prosecution, suit, indictment, information or any other proceeding, that the parties signing, swearing and delivering such affidavit or affidavits did swear the same in the presence of such Justice of the peace, and did deliver the same to such Chief Secretary or other person acting and officiating as such, before and to whom the same shall have been sworn or delivered respectively; be it further ordained by the authority aforesaid, that in all cases a copy of any such affidavit, certified to be a true copy under the hand of such Chief Secretary, or other person acting and officiating as such, in whose possession the same shall be, and likewise under the hand of the Justice of peace before whom the same shall have been sworn, in case the said affidavit or affidavits shall not have been duly sworn before the said Chief Secretary or other person acting and officiating as such in his character of a Justice of peace, shall upon proof made that such certificates have been signed by the handwriting of the persons making the same, and whom it shall not be necessary to prove to be Chief Secretary to Government, or a person acting and officiating as such, or a Justice of peace, be received in evidence as sufficient proof of such affidavit, and that the same was duly sworn, and of the contents thereof; and such copies so produced and certified shall also be received as evidence that the affidavits of which they purport to be copies have been duly sworn according to this rule, ordinance and regulation, and shall have the same effect for the purposes of evidence to all intents whatsoever as if the original affidavit or affidavits of which the copies so produced and certified shall purport to be copies had been produced in evidence, and been proved to have been so duly certified and sworn by the person or persons appearing by such copy to have sworn the same as aforesaid.

Penalty of 1,000 Rupees on unauthorized persons giving certificates.

Article XII.—And be it further ordained by the authority aforesaid, that if any person not being such Chief Secretary as aforesaid, or other person acting and officiating as such, or such Justice of peace as aforesaid, shall give any such certificate as aforesaid, or shall presume to certify any of the matters or things by this rule, ordinance and regulation directed to be certified by such Chief Secretary or other person acting and officiating as such, or such Justice of peace as aforesaid, or which such Chief Secretary or other person acting and officiating as such, or such Justice of peace as aforesaid, is hereby empowered or intrusted to certify, he shall forfeit and lose the sum of one thousand Rupees.

Penalty of 1,000 Rupees for falsely certifying that Affidavits were sworn to, or that false Copies are true, &c.

Article XIII.—And be it further ordained by the authority aforesaid, that if any person shall knowingly and wilfully falsely certify under his hand, that any such affidavit as is required to be made by this rule, ordinance and regulation was duly signed and sworn, the same not having been so sworn or signed, or shall knowingly and wilfully falsely certify that any copy or copies of any affidavit or affidavits is or are a true copy or copies of the affidavit or affidavits of which the same are certified to be such copy or copies, or shall knowingly and wilfully falsely certify or express in any certificate that the affidavit or affidavits of which any copy or copies are certified to be a true copy or copies, was or were duly sworn before the person so certifying, by the party or parties whose name or names appear subscribed to the same as the name or names of the party or parties swearing and signing the same, every person so offending shall in each and every such case respectively, forfeit and lose the sum of one thousand Rupees.

After 14 days after the date of Registry, a copy of every Newspaper, &c. to be delivered within six days of its publication to the Chief Secretary, or person acting as such or his officer, on penalty of 1,000 Rupees, the paper to be paid for by the Chief Secretary or other person acting as such, and may within two years after publication be produced as evidence in any proceeding, civil or criminal.

Article XIV.—And be it further ordained by the authority aforesaid, that from and after fourteen days after the registry and publication of this rule, ordinance and regulation in the supreme court as aforesaid, the printer or publisher of every newspaper or other such printed book or paper as hereinbefore described, shall upon every day upon which the same shall be published, or within six days after, deliver to the Chief Secretary of Government for the time being, or other person acting and officiating as such, or to some officer to be appointed by him to receive the same, and whom he is hereby required to appoint for that purpose, one of the newspapers or other printed book or papers hereinbefore described, so published upon each such day, signed by the printer or publisher thereof in his handwriting, with his name and place of abode, and the same shall be carefully kept by the said Chief Secretary or other person acting and officiating as such, or such officer as aforesaid, in such manner as the said Chief Secretary, or other person acting and officiating as such, shall direct; and such printer or publisher shall be entitled to demand and receive from the said Chief Secretary, or other person acting and officiating

officiating as such, or such officer, once in every six days of publication, if required, the amount of the ordinary price of the respective newspapers or other printed books or papers so delivered; and in every case in which the printer and publisher of such newspaper, or other such printed book or paper as aforesaid, shall neglect to deliver one such newspaper or other printed book or paper in the manner hereinbefore directed, such printer and publisher shall, for every such neglect respectively, forfeit and lose the sum of one thousand Rupees; and in case any person or persons shall make application to the said Chief Secretary or other person acting and officiating as such, or such officer as aforesaid, in order that such newspaper or other printed book or paper so signed by the printer or publisher may be produced in evidence in any proceeding civil or criminal, the said Chief Secretary or other person acting or officiating as such, or such officer, shall at the expense of the party applying at any time within two years from the publication thereof, either cause the same to be produced in the court in which the same is required to be produced, and at the time when the same is required to be produced, or shall deliver the same to the party applying for it, taking according to his discretion reasonable security, at his expense, for the returning the same to the said Chief Secretary, or other person acting and officiating as such, or such his officer; and in case, by reason that the same shall have been previously required by any other person to be produced in any court, or hath been previously delivered to any other person for the like purpose, the same cannot be produced at the time required, or be delivered according to such application, in such case the said Chief Secretary, or other person acting and officiating as such, or such his officer, shall cause the same to be produced, or shall deliver the same as soon as they are enabled so do do.

Printers shall give notice in the form annexed No. I. to the Chief Secretary of Government, who shall grant a certificate in form annexed No. 2, and file the notice.

Article XV.—And be it further ordained by the authority aforesaid, that from and after fourteen days after the registry and publication of this rule, ordinance and regulation in the supreme court as aforesaid, every person having any printing press, or types for printing, within the Presidency of Bombay, shall cause a notice thereof, signed in the presence of and attested by one witness, to be delivered to the Chief Secretary of Government for the time being, or other person acting and officiating as such according to the form hereinafter prescribed; and such Chief Secretary or other person acting and officiating as such, shall, and he is hereby authorized and required to grant certificate in the form hereinafter prescribed, and shall file such notice; and every person who, not having delivered such notice and obtained such certificate as aforesaid, shall from and after the expiration of fourteen days next after such registry and publication of this rule, ordinance and regulation as aforesaid, keep or use any printing press or types for printing, or having delivered such notice and obtained such certificate as aforesaid, shall use any printing press or types for printing in any other place than the place expressed in such notice, shall forfeit and lose the sum of Rupees four hundred.

Penalty of 400 Rupees for keeping presses or types without notice, or using them in any place not expressed therein.

The name and abode of the Printer shall be printed on every paper or book.

Article XVI.—And be it further ordained by the authority aforesaid, that from and after fourteen days after the registry and publication of this rule, ordinance and regulation as aforesaid, every person who shall print any paper or book whatever within the Presidency of Bombay, not being intended to be published periodically, but which shall be meant and intended to be published or dispersed, whether the same shall be sold or given away, shall print upon the front of every such paper, if the same shall be printed on one side only, and upon the first and last leaves of every such last-mentioned paper or book, which shall consist of more than one leaf, in legible characters, his or her name, and the name of his or her dwelling-house or usual place of abode; and every person who shall omit so to print his name and place of abode on every such last-mentioned paper or book printed by him, and also every person who shall publish or disperse, or assist in publishing or dispersing, either gratis or for money, any such last-mentioned printed paper or book, which shall have been printed after the time hereinbefore last specified, and on which the name and place of abode of the person printing the same shall not be printed as aforesaid, shall, for every copy of such paper so published or dispersed by him, forfeit and pay the sum of four hundred Rupees.

Printers omitting so to do, and persons dispersing papers without such name and place of abode shall forfeit 400 Rupees.

Printers shall keep a copy of every paper they print, and write thereon the name and abode of their employers.

Article XVII.—And be it further ordained by the authority aforesaid, that every person who from and after the time hereinbefore last specified shall print, within the Presidency of Bombay, for hire, reward, gain, or profit, any book or paper whatsoever, not intended to be published periodically, but which shall be intended to be published or dispersed, shall carefully preserve and keep one copy (at least) of every

such

such last-mentioned book or paper so printed by him or her, on which he or she shall write or cause to be written or printed in fair and legible characters, in the same language and character as that in which such book or paper shall be printed, the name and place of abode of the person or persons by whom he or she shall be employed to print the same; and every person printing any such last-mentioned book or paper whatsoever for hire, reward, gain, or profit, who shall omit or neglect to write or cause to be written or printed as aforesaid, the name and place of abode of his or her employer on one of such last mentioned printed books or papers, or to keep or preserve the same for the space of six calendar months next after the printing thereof, or to produce and show the same to the Chief Secretary to Government for the time being, or other person acting and officiating as such, or to any Justice of the peace acting within the Presidency of Bombay, and who, within the said space of six calendar months, shall require to see the same, shall, for every such omission, neglect, or refusal, forfeit and lose the sum of four hundred Rupees.

Penalty of 400 Rupees for neglect, or refusing to produce the copy within six months.

Article XVIII.—And be it further ordained by the authority aforesaid, that if any Justice of the peace acting within the Presidency at Bombay, shall, from information upon oath, have reason to suspect that any printing press or types for printing is or are used or kept for use, without notice given and certificate obtained, as required by this rule, ordinance, and regulation, or in any place not included in such notice and certificate, it shall be lawful for such Justice, by warrant, to direct, authorize, and empower any of his officers, in the daytime, with such person or persons as shall be called to his assistance, to enter into any such house, room, and place, and search for any printing press or types for printing; and it shall be lawful for every such peace officer, with such assistance aforesaid, to enter into such house, room, or place, in the daytime accordingly, and to seize, take, and carry away, every printing press found therein, together with all the types and other articles thereto belonging and used in printing, and all printed papers found in such house, room, or place.

A Justice of the peace may empower a peace officer to search for presses and types he suspects to be illegally used and seize them and the printed papers found.

Article XIX.—And be it further ordained by the authority aforesaid, that all offences committed, and all pecuniary forfeitures and penalties had or incurred under or against this rule, ordinance, and regulation, shall and may be heard and adjudged and determined by two or more of the Justices of the peace acting within the Presidency of Bombay, who are hereby empowered and authorized to hear and determine the same, and to issue their summons or warrant for bringing the party or parties complained of before them, and upon his or their appearance or contempt and default, to hear the parties, examine witnesses, and to give judgment or sentence according as in and by this rule, ordinance, and regulation, is ordained and directed, and to award and issue out warrants, under their hands and seals, for the paying of such forfeitures and penalties as may be imposed, upon the goods and chattels of the offender, and cause sale to be made of the goods and chattels, if they shall not be redeemed within six days, rendering to the party the overplus, if any be, after deducting the amount of such forfeiture or penalty, and the costs and charges attending the levying thereof; and in case sufficient distress shall not be found, and such forfeitures and penalties shall not be forthwith paid, it shall and may be lawful for such Justices of the peace, and they are hereby authorized and required by warrant or warrants under their hands and seals, to cause such offender or offenders to be committed to the common gaol of Bombay, there to remain for any time not exceeding four calendar months, unless such forfeitures and penalties and all reasonable charges shall be sooner paid and satisfied, and that all the said forfeitures when paid and levied shall be from time to time paid into the treasury of the United Company of Merchants of England trading to the East Indies, and to be employed and disposed of according to the order or directions of His Majesty's said Justices of the peace at their general quarter or other sessions.

How penalties are to be levied and disposed of.

Article XX.—Provided always, and be it further ordained by the authority aforesaid, that nothing in this Rule, Ordinance, and Regulation contained, shall be deemed or taken to extend or apply to any book or paper printed by the authority and for the use of the Government of any or either of the three Presidencies of India, or to any printed book or paper containing only shipping intelligence, advertisements of sales, current prices of commodities, rates of exchange, or other intelligence solely of a commercial nature.

This Rule, Ordinance and Regulation not to extend to certain publications.

N° I.

Form of Notice to the Chief Secretary, or other person acting as such, that any person keeps any printing press or types for printing.

I, *A. B.* of do hereby declare that I have a printing press and types for printing, which I propose to use for printing within the Presidency of Bombay, and which I require to be entered for that purpose, in pursuance of the Rule, Ordinance, and Regulation N° I. of 1825.

Witness my hand, this day of

Signed in the presence of

A. B.

N° II.

Form of Certificate that notice has been given of a printing press or types for printing.

I, *C. D.* Chief Secretary to Government (or acting Chief Secretary) do hereby certify that *A. B.* of hath delivered to me a notice in writing, appearing to be signed by him, and attested by as a witness to his signing the same, that he, the said *A. B.* hath a printing press and types for printing, which he purposes to use for printing within the Presidency of Bombay, and which he has required to be entered, pursuant to the Rule, Ordinance, and Regulation, N°. I. of 1825.

Witness my hand, this day of

C. D.

RULE, ORDINANCE, AND REGULATION II. OF 1825.

A Rule, Ordinance, and Regulation, for repealing parts of certain Articles in Title 1st. of Rule, Ordinance and Regulation I. of 1812:—Passed by the Honourable the Governor in Council of Bombay on the 4th day of May, and registered in the Honourable the Supreme Court of Judicature at Bombay on the 11th day of July 1825.

Preamble.

WHEREAS by Articles II. III. and IV. of Rule, Ordinance and Regulation I. of 1812, it is ordained, the senior and junior Magistrates of police should ordinarily exercise their authority within certain limits by the articles expressly specified and assigned respectively to each: and whereas the Honourable the Governor in Council has deemed it expedient to vary such limits, and it may become again expedient to vary such limits, from time to time, according as exigencies may require;

Parts of Article II. III. and IV. of Title I. of Rule, Ordinance and Regulation I. of 1812, limiting the ordinary jurisdiction of Police Magistrates repealed.

Be it therefore ordained by authority of the Honourable the Governor in Council, and by virtue of the statute in that behalf made, that, from and after the registry and publication of this Rule, Ordinance, and Regulation in the Supreme Court aforesaid, so much and such parts of the Articles II. III. and IV. of title 1st. of Rule, Ordinance, and Regulation I. of 1812, as assign local limits within which the Magistrates of Police shall ordinarily exercise their jurisdiction, shall be, and are hereby repealed.

III.—(*continued.*)

REGULATIONS

Passed by the Governor in Council of *Bombay*, in the Year 1826. N° I. to III.

A. D. 1826. REGULATION I.

A REGULATION to explain the enactments in force as to the admissibility of actions for debt against the Thakor of Bhownaggur:—Passed by the Governor in Council on the 14th of June 1826, corresponding with the 9th of Jest Sood Sumbut or Vikramajet 1882; Salbahan 1748, and 7 of Zilkad 1241 of the Hijree.

WHEREAS doubts have been entertained as to the meaning of the Second Clause of Section XXXI. Regulation I. A. D. 1823, the following explanation of that enactment is hereby enacted. Preamble.

II.—In explanation of the Second Clause of Section XXXI. Regulation I. A. D. 1823, it is hereby declared, that no demand whatever (except in the cases provided for in the first Clause of that Section) against the Thakor of Bhownaggur, which is of a date prior to the 20th July 1815, is cognizable in the Courts of Justice, even though the case should be a running account, and transactions should have occurred in the same, subsequently to the above specified date. Explanation of the limitation of actions against the Thakor of Bhownaggur, which are in no case cognizable if the demand were of prior date to 20th July 1815.

A. D. 1826. REGULATION II.

A REGULATION for punishing the receipt of Bribes by Officers employed in the collection of Sea Customs, and the gift or offer of the same:—Passed by the Governor in Council on the 5th of August 1826, corresponding with the 2d of Sharavun Sood Sumbut or Vikramajit 1882, Salbaham 1748, and 30th of Zilhuz 1241 of Hijree.

WHEREAS it has been deemed expedient, for the protection of the revenue derived from sea customs, and the prevention of fraud, and correction in that department, that severe penalties should be denounced against the receipt of bribes by officers employed in the collection of sea customs, as also against the receipt or offer of a bribe by any person to any such officer; the following rules have therefore been enacted, to have effect from the date of their promulgation. Preamble.

II. *First.*—Any officer employed in the collection of sea customs, who shall receive, directly or indirectly, any present or bribe for the neglect or non-performance of any part of his official duty, shall for every such offence forfeit a sum not exceeding Rupees (4,000) four thousand. Custom House Officers liable for bribery to forfeit rupees 4,000,

Second.—Any person who shall give or offer, or promise to give, any present or bribe to any officer employed in the collection of sea customs, for the neglect or non-performance of any part of his official duty, shall also for every such offence forfeit a sum not exceeding Rupees (4,000) four thousand. as also persons giving or offering them a bribe.

III. The forfeitures specified in the preceding Section shall, within the jurisdiction of the Supreme Court of Judicature of Bombay, be recoverable in the said Supreme Court by information there exhibited by the Advocate General, or other principal law officer of this Presidency, and beyond the Supreme Court's jurisdiction Offenders how tried, forfeitures how levied within the Supreme Court's Jurisdiction and beyond it.

tion the said offences shall be tried, and the assigned forfeitures adjudged and levied by the Criminal Court of the Zillah; and an offender convicted before the Zillah Court shall be sentenced to imprisonment, without labour, for a period not exceeding five years, in case the forfeiture is not sooner paid.

A. D. 1826. REGULATION III.

A REGULATION to declare and define Military authority in its relations to the Civil Power and to the Community at large:—Passed by the Governor in Council on the 27th September 1826, corresponding with 11th Bhadrava Vud Sumbut or Vikramajeet era 1882, Salbahan 1748, and 24th Suffer 1242 of the Hijree.

Preamble.

WHEREAS it is essential to military discipline that in certain cases, when persons belonging to or connected with the army are defendants, both civil and criminal jurisdiction should be exercised by courts of military constitution in lieu of the ordinary tribunals; and further, that certain matters connected with the military department should be cognizable by civil courts: and whereas it is also expedient, that camp followers should be subject to a more direct control than can be exercised over them by the civil power, that the mode of communication between civil and military authorities should be prescribed, and their right to call upon each other for aid defined, and that means of suppressing immorality at military stations and in camps should be provided: and whereas the British Legislature has in 4th George IV. chap. 81, enacted certain rules for the above purposes with relation to persons of particular descriptions, the same, so far as applicable, are adopted with certain additional rules in relation to such persons of similar descriptions as are subject to the Regulations of the Bombay Government, and are detailed in this Regulation, which shall have effect within the territories subordinate to the Presidency of Bombay from the date of its promulgation.

Rescission of former enactments.

II.—Section XXI. of Regulation IV. A. D. 1816, and Regulation VII. A. D. 1814, with the exception of Section IX. and Regulation I. A. D. 1819, are hereby rescinded.

General principles of Military Law, and Rules under which Civil Authorities are to aid the operation of Courts Martial for trial of offences against Military discipline.

Persons not British-born subjects amenable to military law in matters of debt and criminal offences:

III. *First.*—The following descriptions of persons, if not British-born subjects, are hereby declared amenable to the jurisdiction of the Courts described in Sections VII. and IX. as having cognizance of debts and criminal offences.

Officers:

1*st.*—Officers bearing commissions in the military service of the Company:

soldiers:

2*d.*—Persons enlisted in the military service of the Company, whether non-commissioned officers or privates:

surveyors, draftsmen, medical attendants, and all public servants appertaining to the army:

3*d.*—Persons serving as military surveyors or draftsmen, or in the medical, commissariat, store, or veterinary departments, and generally, all persons receiving public pay drawn by an officer in charge of a department appertaining to the army:

suttlers and residents in camps:

4*th.*—Suttlers and camp-followers, including all persons residing or following any occupation at a cantonment or military station:

troops of any description under military command.

5*th.*—The officers and soldiers of any description of troops being mustered and in pay, while under command of any officer having a commission immediately from the Government of any of the Presidencies in India.

How far such persons are exempted from civil jurisdiction.

Second.—The said persons are not thereby rendered free from Civil Jurisdiction, except in cases which may be specifically provided for by Act of Parliament, or Regulation; but it is hereby enacted, that, when a Civil officer shall have occasion to confine an officer or soldier, either commissioned or enlisted, he shall as soon as possible forward to the commanding officer of the station a communication, which shall be in the form of an extract from any periodical return or returns which may be usually made by such Civil officer to a superior authority, in order to denote the nature of the charge and its result.

Third.—

Third.—And it is enacted in Sections III. and XVII. of the 4th Geo. IV. Chap. 81, that civil magistrates and military commanding officers shall mutually aid each other in the apprehension of offenders subject to their respective authorities, the former by delivering up such as may have been apprehended by them, and the latter by using their utmost endeavour to assist the magistrate's process against officers or soldiers.

Civil and military authorities to give mutual aid.

IV. Native Courts-martial, assembled for the purpose of trying offences against military discipline will be guided by the rules in the military code, or such articles and orders as may be in force respecting the army; and to aid their proceedings certain rules are enacted in the two following Sections similar to those contained in Act 4th Geo. IV. Chapter 81.

Courts-martial for trying offences against military discipline how to conduct their proceedings.

V. *First.*—Courts-martial shall have authority to summon and examine witnesses on oath or solemn declaration, and any person not subject to military law being duly summoned and failing to attend, shall, on complaint made by the Judge Advocate or other person officiating as such, be apprehended by the magistrate of the jurisdiction in which he resides, and punished as if he had neglected to attend on a summons issued by the magistrate; and further, if the evidence of a person not subject to military law be required at a Court-martial, it shall be optional with the Court, through the medium of the officer whose duty it may be to conduct official communications, to make application to that effect either to the magistrate or to the Civil the court, and the authority applied to shall procure the attendance of the witness before Court-martial by such means and under such rules as may be in force for procuring the attendance of witnesses before such authority.

How Courts-martial are to procure the attendance and evidence of witnesses.

Second.—A witness summoned by virtue of the preceding clause shall be liable to the same penalties for speaking falsely on oath or otherwise, as the case may be, or for other misconduct, as is the practice in courts of Criminal Judicature, which penalties however are to be adjudged and enforced by the civil authority.

Perjury or other misconduct in witnesses how to be punished.

Third.—Witnesses shall be exempted from arrest in any civil proceeding while in attendance on a Court-martial, and during the time necessary for going and returning; wherefore, if any person should be so unduly arrested, he shall, on satisfactory proof made in a summary manner before the Court under whose authority he is held in custody, be forthwith discharged.

Witnesses to be exempt from arrest.

VI. *First.*—A prisoner sentenced by a Court-martial to imprisonment, or solitary confinement, or hard labour, may be forwarded to the Criminal Judge of the district by the commanding officer of the district, with an authenticated copy of the sentence, which the Criminal Judge shall execute according to its tenor.

Sentences made by a Court-martial may in certain cases be executed through the medium of the civil authority.

Second.—Periodical returns of such prisoners shall be made by the Criminal Judge to the Sudder Foujdary Adawlut at the same time, and so nearly as the matter will admit, in the same form as prescribed for other convicts, and, when the sentence has been executed, the authenticated copy of it shall be endorsed, as usual in warrants issued by a Court of Circuit, and returned to the commanding officer.

Returns to be made in such cases.

Of the Military Court of Requests for deciding Civil Actions for Debt, and of the Jurisdiction to be exercised by Courts Martial in Criminal Offences.

VII. *First.*—Wherever any of the Company's forces may be employed within the territories subordinate to Bombay, and beyond the jurisdiction of the Court of Requests established at the Presidency, actions for debt and all personal actions not exceeding four hundred (400) Sicca Rupees in amount against a person of any of the descriptions stated in Section III. Clause 1st. of this Regulation, shall be cognizable before a Court of Requests composed of military officers and not elsewhere, provided that such person was also of the said description when the cause of action arose.

A military Court of Requests may try certain actions for debt.

Second.—The commanding officer of any station or cantonment is authorized to convene such courts, which shall be composed (according to the orders of the commander in chief or commanding officer of the forces for the time being, or, in the absence of such orders, according to the discretion of the convening officer) either of not less than three European commissioned officers, or of not less than three native commissioned officers, with an European commissioned officer to superintend and record the proceedings.

How convened and imposed.

Its forms of procedure.

Third.—Each member of the court shall take an oath according to his religious tenets to do impartial justice: the forms, proceedings and records shall be as usual in courts-martial, and the attendance and evidence of witnesses not subject to the military law shall be procured under the rules contained in Section V. of this Regulation.

How the decisions are to be executed:

VIII. *First.*—It shall be competent to the court, on finding any debt or damage due, to award execution of the decision, either generally, or by directing that the whole or any part of the amount be stopped and paid over to the creditor, out of any pay or public money, which may be coming to the debtor in the current or any future month.

By seizure and sale of effects that are,

Second.—And, if the execution be awarded generally, the amount, if not paid forthwith, shall be levied by seizure and public sale of such of the debtor's goods as may be found within the camp, garrison or cantonment, under a written order of the commanding officer, grounded on the judgment of the court.

or subsequently may be in camp;

Third.—And if sufficient goods be not so found, then any which may subsequently be found within the said limits shall be liable to be seized and sold as above said in satisfaction of the remainder of the debt or damage; or any public money or sum, not exceeding the half-pay accruing to the debtor, shall be stopped in liquidation of the said debt or damage; and, if such debtor shall not receive pay as an officer or soldier or from any public department, he shall be arrested by written order of the commanding officer, and imprisoned in some convenient place within the said limits for a period of two months, unless the amount be sooner paid.

by stoppages,

or by imprisonment.

Certain offences committed beyond 120 miles from the Presidency to be triable by court-martial.

IX. *First.*—All persons of the descriptions stated in clause 1st. of Section III. of this Regulation are hereby declared liable to be tried by a Native General Court-martial assembled and conducted according to the rules prescribed for such tribunals if accused of having committed wilful murder, robbery or other serious offence against person or property, provided that the place where such court-martial is assembled be distant one hundred and twenty miles from the Presidency, and provided also that the place where the offence is alleged to have been committed be one hundred and twenty miles distant from the Presidency, and not more than one mile from the station at which the Court-martial sits.

In certain cases triable equally by the ordinary criminal courts:

Second.—And if the place where the offence is alleged to have been committed, or where on investigation it shall be found to have been committed, be one hundred and twenty miles distant from the Presidency, and more than one mile from the station where the court-martial sits, then the case shall belong to either the court-martial or the ordinary authorities of criminal judicature, according as either may have first taken cognizance.

but if committed in foreign territory by court-martial only.

Third.—And further, if the offence have been committed beyond any of the British territories, it may be tried by a Court-martial in the same way as the offences to which clause 1st. of this Section relates.

What punishments may be awarded.

X. *First.*—A person found guilty of an offence by a Court-martial, as stated in the preceding Section, shall be liable to death, or transportation for life or for a term of years, or to such other punishment, according to the nature and degree of the respective offence, as the Court-martial may adjudge; but it is hereby provided, that the commander in chief shall have power to commute sentences of death into transportation for life or for a term of years, and also (with the consent of the party affected thereby but not otherwise) to commute a sentence of transportation into one of temporary imprisonment, or of any other nature milder than that originally passed.

Sentences of death or transportation to be confirmed by the commander in chief.

Second.—And further, if the offence have been committed within the Company's territories, no sentence of death or transportation passed by a court-martial by virtue of Section IX. of this Regulation shall be carried into execution until confirmed by the General or other officer commanding at the Presidency with the concurrence of the Governor in Council; and if a sentence of death be commuted, according to the preceding clause of the present Section, to transportation, the confirmation by the Governor in Council shall be required for execution of the punishment adjudged in commutation.

Parties entitled to copies of sentences and proceedings.

Third.—And any party tried by a court-martial on the authority of this Regulation shall be entitled to a copy of the sentence and proceedings, on demand made by

by himself or any one on his behalf six months after the same, and, if the trial have been held in the Company's possessions beyond the seas or in foreign parts, then twelve months after the sentence.

Fourth.—Execution of a sentence of transportation shall be done through the medium of the Criminal Judge, who will, on a request being made in writing by the commanding officer of the station, receive charge of the convict and proceed as if the sentence had been passed by a Court of Circuit. How sentences of transportation are to be executed.

XI. *First.*—Any person of any of the descriptions specified in Section III. employed in the care or distribution of military stores, or any sort of public property applied to military purposes, who shall embezzle or fraudulently misapply or damage (or cause or connive at the same) any such stores or public property, may be tried for the same by a general Court-martial. Penalty for embezzling or damaging public stores.

Second.—And the Court may sentence such offender to be transported for life, or for a term of years, or to fine or imprisonment, or to dismissal from the Company's service, and incapacity of serving the Company again in any office civil or military, according to the nature and degree of the offence. Transportation, &c.

Third.—And the offender shall also make good the loss or damage which the Court-martial may ascertain to have been sustained, which shall be recoverable by the process stated in Section XX. of this Regulation. The offender is also responsible for the value.

XII. Of the descriptions of persons specified in Clause first, of Section III. of this Regulation, a commissioned officer convicted before a general Court-martial of perjury, by giving false testimony on oath or solemn declaration in any matter wherein his evidence may be so required, shall be cashiered, and any other individual guilty of the said offence shall be punished at the discretion of a general or regimental Court-martial. Penalty of perjury when committed by a person amenable to military law.

XIII. A person who may have been tried for an offence by Court-martial, as stated in Section IX. of this Regulation, shall not be tried for the same in any other court whatsoever, and no person, who has been acquitted or convicted of any offence by the Civil Magistrate, shall be punished by a Court-martial for the same otherwise than by cashiering. A person who has been regularly tried by any court is not liable to a second trial.

XIV. The rules contained in Section VI. of this Regulation, for the confinement by the Civil Magistrate of prisoners sentenced thereto by a Court-martial for offences against military discipline, are equally applicable to cases in which similar sentences have been passed for criminal offences. Sentences may be executed in certain cases through the medium of the civil authority.

Of Offences and Civil Actions relating to the Military Department, but cognizable in a Civil Court.

XV. Any person wilfully and knowingly giving false testimony, on oath or solemn declaration, before a Court-martial assembled under any of the provisions of this Regulation, shall be deemed guilty of perjury, and punished by the laws in force for such crime. Penalty of perjury when committed by a person not amenable to military law.

XVI. Any person aiding the escape of a convict confined under sentence of a Court-martial held by virtue of Act 4th George IV. Chapter 81, or of this Regulation, shall, on conviction before a magistrate or other higher tribunal, be liable to punishment by fine or imprisonment not exceeding seven years, or both combined. Penalty for aiding the escape of convicts.

XVII. Any person who shall persuade an officer or soldier, British or Native, in the service of His Majesty or the Company, to desert, or shall wilfully harbour, conceal, or assist such deserter, shall, on conviction before a magistrate or other higher tribunal, be punishable with fine or imprisonment not exceeding four years, or both combined. Penalty for aiding desertion.

XVIII. Any person who shall furnish, or cause to be furnished, a false certificate whereby to excuse a soldier, British or native, for his absence from muster or any other service, on pretence of his being employed on duty, or being sick, in prison, or on furlough, shall be liable to a forfeiture not exceeding Rupees four hundred, which shall be recoverable as a debt, on prosecution by the commanding officer of the station in any court having jurisdiction over the offender in actions for debt, and when recovered shall be disposed of as Government may direct; and further, Penalty for making false musters, or aiding the same: How enforced.

further, the offender, if in the military service of the Company, shall be cashiered and incapacitated from holding any military office in the Company's service.

Penalty for receiving military equipment or stores.

XIX. Any person receiving in purhase, gift, exchange or otherwise, any dress or arms, grain or forage, or articles of any nature known by such person to have been furnished by Government for the use of the British or native troops, or any department of the army, shall, on conviction before the Magistrate or higher tribunal, be punishable with fine or imprisonment not exceeding four years, or both combined.

How the value of embezzled or damaged stores is to be recovered and disposed of.

XX. Any Court having cognizance of actions for debt, to whose jurisdiction a person who has been found guilty of the offence described in Section XI. Clause first, may be subject, shall, on prosecution by the commanding officer of the station, pass a decree against such offender to the amount of any loss or damage ascertained by the Court-martial to have ensued, and the amount (which shall be recoverable by the usual process of law) shall be disposed of as Government may direct.

Of marking the limits of Cantonments, and of the Appointment, Functions, and Authority of the Superintendent of Bazars.

Limits of military stations how to be ascertained.

XXI. *First.*— At military stations situated within the territories subordinate to the Presidency of Bombay, the limits of cantonments or bazars shall, when directed by the Governor in Council, be marked by the local magistrate and commanding officer in conjunction, subject to approval by the Governor in Council, in which limits private property is not to be included.

Plans thereof to be kept.

Second.—The above-mentioned officers shall report the limits, with a plan thereof, to the Governor in Council, and when they have been approved, a plan shall be kept by the magistrate, and another by the commanding officer.

A superintendent of bazars to be appointed.

XXII. *First.*—At every station where limits have been marked, as described in the preceding Section, an officer, to be denominated Superintendent of Bazars, shall be appointed by the Governor in Council.

Vacancies, how to be supplied.

Second.—When by death, or illness, or absence, or any other cause, the Superintendent of Bazars is unable to continue the duties of his office, the commanding officer shall appoint a person to act until the vacancy be supplied by the Governor in Council, to whom the commanding officer shall report the new appointment and its cause immediately.

The Superintendent to be subordinate to the commanding officer, and to qualify by oath.

XXIII. The Superintendent of Bazars shall, under the immediate authority of the commanding officer, perform the duties assigned to him in this Regulation, and, previous to entering on the functions of his office, shall take and subscribe, before any person or persons commissioned by Government to administer it, the following Oath:

"I ——— appointed Superintendent of Bazars at the station of ———, swear "that I will impartially discharge the judicial duties of that office, and will neither "derive nor connive at any person under my authority deriving any profit there-"from, except such as may be officially allowed.

"So help me God."

The superintendent to have charge of the police establishment:

XXIV.—The Superintendent of Bazars shall have charge of such official establishment, for maintaining order and convenience in the limits of the cantonment, and enforcing rules established for that purpose by the commanding officer, subject always to the control of Government, as may be placed at his disposal.

and empowered to take evidence.

XXV. *First.*—The Superintendent shall have authority to take evidence on oath or solemn declaration, when necessary in the course of his duties, and a false statement made before him on such occasions shall be punishable as if it had occurred in a court of Criminal Judicature.

How to procure the evidence of persons within the military limits:

Second.—And if a person (not being a British-born subject) found within the limits of the cantonment refuse to attend or give answer when summoned by the Superintendent to give evidence, he shall be confined until he complies.

and how of those without.

Third.—And if the evidence of a person without the said limits be required, it shall be procured by application to the Civil Court in the mode described in Section V. Clause first.

XXVI. *First.*—

XXVI. *First.*—If the cantonment be situated at more than 120 miles distance from the Presidency, the Superintendent shall try any punish the offences specified in this Section committed within the limits of the cantonment by any person not being a British-born subject, provided the said offences be not of such a nature as is described in Section IX. of this Regulation, to be within the jurisdiction of a Court martial : The Superintendant may take cognizance of certain offences beyond 120 miles from the Presidency,

Second.—But he shall not take cognizance of such offences, unless the charge be made within ten (10) days after the offence was committed, nor unless the offender be apprehended within the limits of the cantonment within three (3) months of the offence having been committed. within a certain period of time.

Third.—In cases of riotous conduct, abusive language, or calumny, using false weights or measures, issuing false or counterfeit coin, or having in possession more than five pieces of such without lawful excuse, and also in cases of breach of such rules as may have been established by the commanding officer for maintenance of order duly promulgated by beat of drum, and by a translation into the language current in the cantonment, and signed by the Brigade Major or other staff officer of the station, being fixed in some conspicuous part of the bazar ; and in cases of misconduct on the part of servants, such as insolence, disobedience, neglect, or quitting service without a month's previous warning, the Superintendent is authorized to adjudge a fine not exceeding fifty (50) Bombay Rupees, or corporal chastisement not exceeding twenty-four (24) rattans, or to confine the offender for a period not exceeding one month, and if the fine be not paid, the offender is, in lieu thereof, to be confined for a period not exceeding one month. What offences are thus cognizable: and how punishable.

XXVII. *First.*—And if the cantonment be situated at a less distance than 120 miles from the Presidency, the Superintendent shall have jurisdiction over offences as stated in the preceding Section, and also in cases of assault committed within the limits by any person not being a British-born subject, provided the charge be made within ten (10) days, and the offender apprehended in the limits within three (3) months of the said assault being committed : he shall further have jurisdiction in cases of theft to an amount not exceeding Rupees eighty (80) committed by such persons within the limits, provided the offender be apprehended therein within three (3) months from the offence being committed. The Superintendent may take cognizance of other offences within 120 miles from the Presidency.

Second.—And the Superintendent is authorized to punish the offender in the case of assault by fine not exceeding fifty (50) Bombay Rupees, or imprisonment not exceeding one month, the fine, if not paid, to be commuted for the said period of imprisonment for a period not exceeding one month, or corporal chastisement not exceeding twenty-four (24) stripes with a rattan. What punishment may be inflicted.

XXVIII. If any person within the limits of the cantonment be charged with an offence which the Superintendent is not authorized to take cognizance of, or if it be of such a nature as to require greater punishment than he is authorized to inflict, he shall apprehend and deliver him to the authority, either civil or military, which may have jurisdiction in the case. How the Superintendent is to dispose of offenders on whom he is not authorized to pass sentence.

XXIX. *First.*—It is enacted in the Act 53rd Geo. III. Chap. 155, Section 105, that, "the Magistrate of a district shall have authority, on complaint being "made to him by a Native that any British subject has therein committed assault, "forcible entry, or other injury accompanied with force, not being felony, to take "cognizance of the same, and having taken in writing the substance of the com- "plaint, defence, and evidence, to acquit or convict the party accused." Complaints made against British-born subjects by Natives how to be proceeded with.

Second.—And it is further thereby enacted, that "in case of conviction the said "Magistrate may inflict on the party a fine not exceeding five hundred (500) "Rupees, to be levied in case of non-payment by warrant under the hand of the "Magistrate upon any property of the party which may be found in the said dis- "trict, and if no such property be found, then the Magistrate may by warrant "under his hand commit the party to confinement in some fit place within the "district for a period not exceeding two months, unless the fine be sooner paid ; "and, if there be no such fit place, then in the gaol at the Presidency under the "like limitations ; and the Magistrate may award the whole, or any portion of the "fine to the party aggrieved in compensation for the injury." What punishment may be inflicted.

Report to be made to Government:

Third.—It is also provided in the said enactment, that "in case of conviction a "copy thereof and of all depositions and proceedings relating thereto shall forth-"with be transmitted by the Magistrate to the Government of the Presidency,

and fines how to be disposed of.

"and that the fine, or what may remain, after making compensation as above said "to the party aggrieved, shall be transmitted to the Clerk of the Crown or other "officer whose province it is to receive fines in His Majesty's Court of Oyer and "Terminer and Gaol Delivery for the respective district."

Convictions may be removed into the Supreme Court:

but this shall not prevent an offender's being committed or held to bail.

Fourth.—And it is also provided in the said enactment that "such conviction "is removable by writ of *certiorari* into the said Court of Oyer and Terminer and "Gaol Delivery, but that nothing herein contained shall prevent the Magistrate "from committing or holding to bail any British subject charged with any such "offence in the same manner as he might otherwise have done."

The preceding rules how applicable to the Superintendent of Bazars.

Fifth.—It is held that the above quoted rules in this Section are applicable to the Superintendent of Bazars as magistrate within the limits of the cantonment, he having duly qualified as a Justice of the peace, provided that the cantonment be within 120 miles distance from the Presidency, otherwise the offender is to be tried by a Court-martial, as set forth in Section IX. of this Regulation.

Superintendent to control traffic in spirituous liquors.

XXX. It shall also be the duty of the Superintendent of Bazars, to control the manufacture and sale of spirituous liquors, according to the rules prescribed in the eight concluding Sections of this Regulation.

Sentences to be confirmed by the commanding officer,

XXXI. *First.*—The Superintendent of Bazars shall not execute any sentence until he has submitted his proceedings to the commanding officer, who shall have power to suspend, or mitigate, or remit, or confirm the sentence, expressing his final order by endorsement on the paper containing the same.

and proceedings recorded.

Second.—All trials before the Superintendent shall be recorded in writing as usual on Courts-martial.

Return to be made to the commanding officer:

Third.—The Superintendent shall furnish to the commanding officer on the first of each month a return of sentences executed during the preceding month, stating the dates of sentences and names of offenders and nature of offences and the sentences, as in the following form:

RETURN of Punishments and Confiscations inflicted by the Superintendent of Bazars at —— during the month —— A. D. ——

DATE.	NAMES OF PRISONERS.	OFFENCES.	SENTENCES.
3d.	Jhan Mahomed.	Stealing copper pots value rupees 25.	20 Stripes.
7th.	Ibrahim Moosa.	Smuggling a Cask of Mowra.	The Mowra confiscated.

1st of —— A. D. ——

(Signed)

Superintendent of Bazars.

and forwarded to the Commander-in-chief.

Which return the commanding officer shall forward to the Commander-in-chief on the 15th of the month in which received.

Fines, how disposed of.

XXXII. All fines imposed and levied by the Superintendent of Bazars otherwise than by virtue of Section XXIX. are to be applied as directed by orders from the Governor in Council.

Process by Civil Authority how to be conducted within the limits of Cantonments.

How communications are to be forwarded by civil officers to the Superintendent,

XXXIII. When a civil officer shall have occasion to communicate officially with the Superintendent of Bazars, he shall transmit his communication under cover to the commanding officer, who shall forward any answer that may be required.

and how attachments are to be executed within the military limits:

XXXIV. *First.*—When any process of attachment or sale of property, or arrest of person for debt, to take effect within the miliary limits, is issued by any court of justice, except the Supreme Court at the Presidency, the process shall first be carried to the commanding officer, or senior officer, within the limits, who shall immediately back the same with his signature, and give his utmost assistance to the officer in executing the process according to its tenor:

but the above rules are not to apply to citations or arrest for offences,

Second.—But nothing herein contained shall be construed to prevent the service by the officer of the Court in the usual way of any process of mere citation, nor of process of arrest for offences cognizable by the said Court:

though intimation will be given to the Superintendent.

Third.—But if a person is arrested under the last preceding Clause, the officer of the court shall immediately report the circumstance and produce the warrant to the Superintendent of Bazars, for the information of the commanding officer.

Rules for Punishment of Offences committed by Camp Followers during a March.

Camp followers on a march within 120 miles from the Presidency,

XXXV. *First.*—Natives not enlisted, but accompanying a military corps during its march, shall be amenable, as subsequently set forth, for acts committed during the march at any place beyond the Presidency, but within 120 miles distance.

amenable for certain offences to a Court-martial.

Second.—In cases of fraud committed towards any person belonging to the detachment, whether enlisted or not, and in cases of theft, or affray, or riotous conduct, whoever may be the sufferer, or misconduct on the part of servants, the commanding officer is empowered to seize, and cause to be tried before a court, composed of not less than two European commissioned officers, the offender or offenders.

What punishment may be inflicted.

Third.—The said Court may award punishment not exceeding thirty (30) stripes with a rattan, or a week's confinement, which however shall not be executed until the proceedings recorded, as is usual on Courts-martial, shall have been laid before the commanding officer, to whom it shall be competent to mitigate, confirm or annul the sentence passed.

How the above offence may be punished if a court cannot be convened.

XXXVI. If there be not a sufficient number of European officers present with the detachment to form a court, as prescribed in the preceding Section, the commanding officer, provided he be not of lower rank than ensign, is empowered to investigate such matters as therein stated, and inflict punishment not exceeding fifteen (15) stripes with a rattan, or forty-eight hours imprisonment, and he shall record the nature of the charge, and the proof and sentence in the English language, to be deposited with the regimental records.

And how they may be punished at a greater distance than 120 miles from the Presidency.

XXXVII. And if the distance be greater than 120 miles from the Presidency, the commanding officer, if he be not of lower rank than ensign, shall exercise the authority described in the last preceding Section, provided the offence be not of a nature amenable to Court Martial by virtue of Section IX. of this Regulation.

Evidence on oath or solemn declaration may be taken in the preceding cases.

XXXVIII. The Court mentioned in Clause 2d of Section XXXV. and the commanding officer, when acting by virtue of Section XXXVI. or Section XXXVII. shall be competent to take evidence on oath or solemn declaration, and perjury committed before them shall be punished by the civil magistrate, as if it had been committed in a court of criminal judicature.

Camp followers charged with offences within 120 miles from the Presidency not before provided for, to be given over to the civil magistrate;

XXXIX. *First.*—If the camp followers be charged before the commanding officer with offences committed within one hundred and twenty miles distance from the Presidency, which require greater punishment than, or of a different nature from that authorized to be inflicted in Sections XXXV. and XXXVI. of this Regulation, they are to be delivered over to the civil magistrate.

before whom persons not belonging to the detachment may prosecute complaints.

Second.—And the authority conferred by the said sections is not to supersede that of the civil magistrate in any case where a person not belonging to the detachment is a complainant, unless the said complainant shall already have applied for redress to the commanding officer, and proceedings shall have commenced thereon, otherwise the civil magistrate shall proceed according to the rules of the general code in all matters laid before him.

Of the Aid which may be furnished by Civil Authorities to expedite the March of Military Forces, and of compensation to Individuals for damage caused by the Troops on such occasions.

Notice to be given to the magistrates through whose jurisdictions troops may pass.

XL. When military bodies, exceeding in number two hundred (200) of infantry or one hundred (100) of cavalry, shall have occasion to march through British territory, and also, if the number be smaller, provided they will require aid from the local authority, the commanding officer shall give timely notice to each magistrate through whose jurisdiction he will pass, specifying the probable time of his arrival, the extent of the corps, and the nature of the aid (if any) which will be required.

What aid the magistrate shall furnish,

XLI. *First.*—If it be required, the local magistrate shall direct his establishment to be in readiness to procure guides, and such supplies of provisions as the country may furnish, and such conveyance for passing rivers or ghauts, or any peculiarly difficult places, as is professionally provided by the inhabitants for such purposes.

and how it shall be paid for.

Second.—Provisions and conveyance supplied as above mentioned to individuals shall be paid for by them at the time and at the current rate of the place, the guides, and conveyance for public property shall be paid for at the same rate by the Collector of the disirict, according to a certificate which the commanding officer is to grant denoting the services performed, and the Collector is to insert the amount so disbursed at the foot of his treasury account, in explanation of his treasury balance as prescribed for similar cases.

On emergent occasions aid may be procurred by impressment.

XLII. *First.*—When emergent occasions require the immediate march of troops, and more extensive aid towards it than is allowed by the preceding section is necessary, the local magistrate may resort to impressment under the following rules, being careful to define the nature of the employment for which the impressment is made, and the period it is to continue.

What is to be considered as constituting such emergency,

Second.—The magistrate's authority for acting as in the preceding clause, shall be either an order from the Governor in Council, or a letter from the commanding officer, declaring his inability to proceed without the magistrate's aid, and fully explaining the circumstances which render the movement of paramount importance to the general inconvenience occasioned by impressment, on receipt of which the magistrate will act at discretion.

and how remuneration is to be made.

Third.—Remuneration for services or supplies procured by impressment is to be fixed by the magistrate on a liberal scale, and paid according to the principles of Clause second, Section XLI of this Regulation ; viz. individuals are to pay for that which is personal accommodation, and the Collector is to defray the charges incurred for the public service under the above quoted rules.

The magistrate to report when he resorts to impressment.

Fourth.—Whenever impressment shall take place by virtue of this section the magistrate shall within ten (10) days report the fact, with the cause and extent of impressment, and the rates of remuneration allowed, both to the Governor in Council and the Court of Suddur Foujdary Adawlut.

How persons sustaining injury by the march or encampment are to seek redress,

XLIII. *First.*—When damage is occasioned to individuals by the march or encampment of troops, the commanding officer shall, on application by the sufferer, furnish him with a certificate of the nature, extent and cause thereof.

and within what time:

Second.—The certificate mentioned in the preceding clause shall, if presented to the Collector or any of his officers holding charge of a district within ten days from its date, entitle the sufferer to compensation for loss occasioned by such movements or position of the troops as are *bonâ fide* of a military nature.

Third.—

Third.—On a demand being made by virtue of this section to the Collector, he shall inquire into its merits, and if satisfied that it is just, shall apply to Government for permission to pay it; if the Collector think the demand is not just, or if Government withhold permission to pay it, the complainant may bring the case to decision according to the process of civil law, by instituting a suit against the Collector. In failure whereof they may resort to law.

Of Requisitions for Military Aid by Civil Authorities.

XLIV. Whenever civil officers may require guards or military aid at the Presidency, they are to apply to the Governor in Council, through the channel prescribed for public correspondence. Military aid how to be procured at the presidency.

XLV. Permanent guards for protection of jails or treasuries, or official purposes in general at out-stations, shall be furnished according to instructions issued by the Governor in Council, to whom the civil officer requiring them will apply in the first instance: in the interim of such application, if delay should appear likely to occasion injury to the public service, the civil officer will apply for a temporary guard according to the rules of the succeeding section. Permanent guards now to be procured at out-stations.

XLVI. *First.*—When temporary guards or escorts are required at out-stations, the civil officer making the requisition is to state fully and circumstantially to the commanding officer at the station the nature of the service to be performed, and the commanding officer will furnish such force as he may think requisite for the purpose. Temporary aid how to be procured at out-stations.

Second.—If the commanding officer to whom a requisition is made shall perceive any substantial objection to a compliance therewith, he shall be at liberty to suspend the same, and refer to the case of the Commander-in-chief, who, if he does not think it proper to order compliance with the requisition, shall lay the matter before the Governor in Council for decision. How the Commanding Officer is to act when perceiving substantial objections to a requisition.

XLVII. Civil officers employing military guards or escorts, either permanent or temporary, shall on the first day of each month transmit to government a statement of such as may have been employed during the preceding month. Civil Officers to report to Government all military guards employed.

Rules relating to the Sale of Spirituous Liquors at Military Stations and during a March.

XLVIII. *First.*—The manufacture of spirituous liquors within the limits of cantonments is hereby prohibited, and, in addition to the restrictions on sale of the same which are enacted in the general code, it shall be necessary for venders within the said limits to procure a license from the Superintendent of Bazars, for which however no charge is to be made. Manufacture of spirits within military limits prohibited, and venders to be licensed by the Superintendent:

Second.—The rules in the preceding clause shall also have effect in any additional space surrounding the limits of a cantonment which the Governor in Council may determine, provided the additional limits be marked and plans kept as described in Section XXI. of this Regulation. the limits may be extended to a certain additional space in so far as regards manufacture and sale of spirits.

Third.—And if any manufacture of spirits be attempted within the limits of a cantonment, or the said additional space, the Superintendent shall give information thereof to the Collector, who will proceed according to the rules in force regarding illicit manufacture. Illicit manufacture of spirits how to be punished.

XLIX. *First.*—The Superintendent of Bazars shall have authority to punish natives vending without his license spirituous liquors within the military limits, and any additional limits around them, which may have been fixed in the manner specified in the preceding section, for the first offence, by fine not exceeding fifty (50) Bombay Rupees, to be enforced by imprisonment not exceeding one month, unless the fine be sooner paid, and for each subequent offence, either by corporal punishment not exceeding twenty-four (24) stripes with a rattan, or fine not exceeding one hundred (100) Bombay Rupees, to be enforced by imprisonment not exceeding two months, unless the fine is sooner paid, such fine when realized to be in all cases disposed of as the Governor in Council may direct. Illicit sale of spirit how to be punished.

Punishment for selling spirits without permission to Europeans of a certain description or for their use.

Second.—He shall also be authorized to punish as in the preceding clause natives selling spirituous liquors to an European non-commissioned officer, soldier, or woman belonging to the detachment, or to any one for their use within the said limits, without having first obtained the commanding officer's permission in writing.

Smuggling how to be punished.

Third.—He shall also be authorized to punish as above stated natives smuggling spirituous liquors within the said limits, provided they are apprehended therein.

Smuggled liquor how to be disposed of.

Fourth.—He shall also be authorized to confiscate spirituous liquors smuggled within the said limits and, if there be a contractor for sale of liquor at the station, the confiscated liquor shall be given to him, otherwise it shall be destroyed.

Proceedings in the above cases how to be recorded and confirmed.

Fifth.—The above punishments and confiscations shall be subject to the rules regarding confirmation by the commanding officer which are prescribed in Section XXXI. Clause first, of this Regulation, and shall be included in the return specified in the third clause of the said section.

Liquor contractors allowed only where the force amounts to half a regiment.

L. Military contractors shall not establish shops for sale of spirituous liquors at a station where is less than half a regiment.

Sale of liquors to Europeans of a certain description for their use how to be punished beyond the military limits, and notice of the same to be annexed to licenses.

LI. Any native selling spirituous liquors beyond military limits to the persons specified in Clause second of Section XLIX. without written permission from the commanding officer, shall be fined by the local magistrate fifty (50) Rupees for the first offence, and one hundred (100) for each subsequent offence, notice of which penalty shall be annexed to each license granted by the Collector.

In what cases individuals may import liquors for private use free from duty.

LII. *First.*—All foreign spirituous liquors introduced into a collectorship on the way to a military station the limits of which have been marked according to Section XXI. of this Regulation, shall pay the same import duty as if they had been introduced for any other purpose, unless accompanied by a certificate, stating that they are for the use of individuals, and are not to be re-sold.

Certificate for the above purpose by whom to be made.

Second.—The above certificate shall be furnished by the person for whose use the liquor is imported, or by some other person on his behalf.

The liquor may be detained if the certificate appears suspicious: informers how to be rewarded.

Third.—The Collector shall have authority to detain the spirits until he is satisfied that the certificate is not forged nor for fraudulent purposes, on proof of either of which facts the liquor shall be confiscated and sold, a reward of one half the proceeds therefrom being assigned to any person, or divided at the discretion of the Collector among any persons through whose exertion or information the fraud was detected.

Liquor venders how to be licensed during a march from a station where is a Superintendent of Bazars, and how amenable for misconduct.

LIII. *First.*—Troops marching from a military station where there is a Superintendent of Bazars may be accompanied during the march by such liquor venders as are authorized by license from the Superintendent of Bazars:

Second.—And such liquor venders shall be subject to the punishment provided in the four first Clauses of Section XLIX. of this Regulation for offences within the limits of the camp, the proceedings and decisions to be made by the commanding officer instead of the Superintendent, but for acts beyond those limits they shall be subject to the general rules of the code.

How licensed and amenable on a march from a station where there is no Superintendent of Bazars.

Third.—Troops marching from stations, where a Superintendent of Bazars has not been appointed, may be accompanied during their march by liquor venders authorized by the commanding officer, and they shall be liable to punishment by him for offences in the way specified in Clause second of this Section.

Licenses in certain cases to stipulate an obligation to accompany troops during a march.

Fourth.—The obligation so to accompany troops when required shall form part of the stipulations under which the Collector is to grant licenses at the stations, where there is not a Superintendent of Bazars.

Commanding officer's consent required to licenses where there is no Superintendent of Bazars.

LIV. *First.*—At military stations where there is no Superintendent of Bazars, the Collector shall not grant a license for the sale of spirituous liquors to any person without the commanding officer's consent.

Commanding officer to aid the Collector's process re-

Second.—At all stations it shall be the duty of the commanding officer to use every possible care to prevent the troops or followers from obstructing the Collector's process,

process, according to the general regulations respecting the vend and manufacture of spirituous liquors.

specting sale and manufacture of liquors:

Third.—The Collector shall however, when it can be done without inconvenience to the public service, execute process within military limits by application to commanding officers, and shall uniformly acquaint them with the result of a search.

and the collector, if possible, to execute such process by application to the commanding officer.

LV. If a Collector shall refuse to suppress any shop or still in the vicinity of a military station on the commanding officer requesting it, the case shall be referred by the latter to the Governor in Council, who will issue such orders as he may deem proper.

How liquor shops or stills near military stations may be suppressed.

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